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ABSTRACT

Noting the growing global consensus on the need to promote family-based alternatives to institutional care for children and adolescents, this report examines efforts to prevent the institutionalization of children in Argentina, Chile, Uruguay, Italy, and Spain, focusing on both public and private initiatives, as well as local and national policies. Following introductory remarks concerning deinstitutionalization as an integral part of a collective process of cultural transformation, the chapters are: (1) "Beyond the Orphanage: The Process of Deinstitutionalizating Children in Italy. Post-War Developments"; (2) "The Process of Deinstitutionalization in Spain"; (3) "Protection of Children's Rights at the Local Level in Argentina. The Case of Guaymallen: A Model under Construction"; (4) "Chile: The Use of Residential Institutions as a Form of Child Protection"; and (5) "Establishing a New Institutional Framework in Uruguay: The Community Level, Neighbourhoods and Social Assets." Each chapter gives an account of child institutionalization policies in the respective countries and shows that in order to reform policies and institutions, it is essential to strengthen policies and programs of inclusion and integration, tailored to suit the specific situations of the country concerned. The report asserts that the decentralization of social services in Spain and Italy has provided a structure for movement toward an approach based on the promotion of rights and protection. Residential institutions in Argentina, Chile, and Uruguay continue operation because of weaknesses in policies and the existence of complex institutionalizing circuits still embedded throughout the social system. The report maintains that reform involves using the local setting to establish a new approach to organizing and combining services to promote the

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CHILDREN IN INSTITUTIONS: THE BEGINNING OF THE END?

The cases of Italy, Spain, Argentina, Chile and Uruguay

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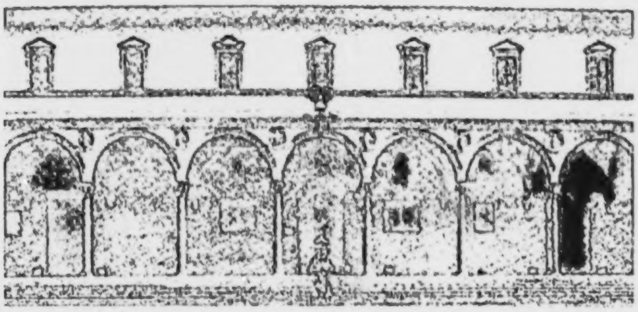

UNICEF INNOCENTI RESEARCH CENTRE

The UNICEF Innocenti Research Centre in Florence, Italy, was established in 1988 to strengthen the research capability of the United Nations Children's Fund (UNICEF) and to support its advocacy for children worldwide. The Centre (formally known as the International Child Development Centre) helps to identify and research current and future areas of UNICEF's work. Its prime objectives are to improve international understanding of issues relating to children's rights and to help facilitate the full implementation of the United Nations Convention on the Rights of the Child in both industrialized and developing countries.

The Centre's publications are contributions to a global debate on child rights issues and include a wide range of opinions. For that reason, the Centre may produce publications that do not necessarily reflect UNICEF policies or approaches on some topics. The views expressed are those of the authors and are published by the Centre in order to stimulate further dialogue on child rights.

The Centre collaborates with its host institution in Florence, the Istituto degli Innocenti, in selected areas of work. Core funding for the Centre is provided by the Government of Italy, while financial support for specific projects is also provided by other governments, international institutions and private sources, including UNICEF National Committees.

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FOREWORD

Towards the end of the 1990s, UNICEF Innocenti Research Centre (IRC) publications began looking at various aspects of 'alternative care', ranging from provision for unaccompanied children in post-genocide Rwanda[1] to children in public care in the transition countries of Central and Eastern Europe[2] and the protection of children's rights in intercountry adoption.[3]

In now addressing deinstitutionalization, this ***Innocenti Insight*** focuses on an issue that has been of growing concern to UNICEF in recent years: the situation of children without their primary caregivers. The level of concern is at present such that this topic figures as one of the six priority areas for child protection in UNICEF's Medium Term Strategy Plan for 2002-2005.

Some children are placed in institutions precisely because their primary caregivers – in most cases parents – have died, have relinquished or abandoned them, or have had their responsibility for them withdrawn. Most are there, however, for other reasons, such as the need for special care, the temporary inability of parents to cope, instances of domestic violence or neglect, or loss of contact with parents and family in armed conflict or other emergency situations. Ironically, it is often simply through the very fact of their placement that the role and presence of these children's 'primary caregivers' may be jeopardised or, at worst, definitively terminated.

The Convention on the Rights of the Child sets an overall framework for the consideration of this reality. It acknowledges that the family is the natural environment for the development and well-being of children, that parents have the primary responsibility for the upbringing of the child, and that the child has, as far as possible, the right to know and be cared for by his or her parents. At the same time, it foresees the appropriate use of substitute care for cases where children are deprived of their family environment or in their best interests cannot be allowed to remain in that environment and in such situations, it anticipates recourse to institutional placement as a measure of last resort.

The rights of the child are to be effectively safeguarded in all such cases, and certainly also when children are placed in such institutions, including the right to protection from discrimination, neglect and exploitation; the right to develop his or her personality, talents and abilities to their fullest potential; and the right to have a say in decisions affecting the child's life, including those relating to the conditions of placement. Above all, it is critical to ensure that institutional placement only occurs if and when it is in the best interests of the child, and that there is periodic assessment and review of the decision and circumstances relevant to the child's placement.

With this approach, the Convention provides support for a well-prepared and planned process of developing alternatives to institutionalization for as many children as possible, a process that is itself fully respectful of children's rights and best interests. Indeed, while the number of children denied parental care continues to grow in some countries, heartening developments have taken place in others to change the situation of children and adolescents in institutional care and to avoid reliance on institutional placements wherever feasible.

This publication highlights examples of policies and programmes in selected European and Latin American countries, designed to reinstate children placed in protective residential care with their family and community. The debate on this issue in the ***Cono Sur*** (southern region) of Latin America, and the many initiatives being undertaken, can provide a useful indicator of the situation for the many other countries and regions that are grappling with this reality. A host of questions is at stake, including the balance between state responsibility and decentralization, the shifting of resources from residential care to alternative solutions, and the way in which child welfare systems make decisions on behalf of children.

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There is a growing global consensus that sporadic or isolated efforts to improve individual institutions will not solve the problems of children in residential care, or meet their best interests. Efforts must focus more especially on the underlying reasons for decisions to place children in care in the first place. Complex and often interlinked factors – such as poverty, family breakdown, disability, ethnicity, inflexible child welfare systems and the lack of alternatives to residential care – require holistic responses that identify families at risk, address their needs and prevent the removal of their children. The ethical and practical challenge that we face is to ensure that families – with special emphasis on women who are increasingly heads of household – have the support they need to nurture and raise their children and effectively assume their childrearing responsibilities. In the few cases where children simply cannot receive the care they need within their family, family– and community-based alternatives must be sought as a priority. Placement in residential institutions must be the very last resort.

The UNICEF Innocenti Research Centre has been pleased to work with UNICEF colleagues in Latin America on the preparation of this *Insight*. Showing as it does that legislation, policies and programmes are necessary, although not sufficient – in fact a whole context amenable to change has to be created – we believe that it can serve as both a stimulus and reference for current and planned efforts in a wide range of countries.

Marta Santos Pais
Director
UNICEF Innocenti Research Centre

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1 Cantwell, N. (1997), *Starting from Zero: the promotion and protection of children's rights in post-genocide Rwanda*, UNICEF ICDC, Florence.

2 UNICEF (1997), *Children at Risk in Central and Eastern Europe: Perils and Promises*, Regional Monitoring Report No. 4, UNICEF ICDC, Florence.

3 UNICEF (1998), Intercountry Adoption, *Innocenti Digest* No. 4, UNICEF ICDC, Florence.

INTRODUCTION

In recent years, countries in Latin America have engaged in a critical debate on the institutionalization of children and adolescents as a response to family problems, disabilities, financial problems and types of conduct perceived as a threat to society.

The new paradigm established by the Convention on the Rights of the Child with regard to the relations between children and families, society and the state, has shifted the focus of the debate on institutionalization from technical and systems management issues and the effect of institutionalization on children, to a policy and strategic outlook aimed at generating opportunities for human development to all.

This publication provides an account of historical processes in Spain and Italy which have led to a transformation of social child protection policies and an abandonment of the most widely-used mechanism of social exclusion, namely institutionalization.

We believe that it is extremely useful to investigate the underlying factors which made it possible to implement these processes with a view to shape policies and programmes which promote the social inclusion of children in the Latin American setting.

Hardly anyone today denies that institutions are unable to attend to physical and cognitive needs and the needs for social and emotional stimulation in any way comparable to what can be achieved in a setting which is open to life within society. The concept of deprivation is used constantly in specialized studies describing the consequences of life in institutions to indicate the lack of affective and personal care suffered by institutionalized children. These children are submitted to collective routines and are unable to make use of sufficient spaces to allow the unique personality of each individual to be expressed, developed and tapped to the full.

In addition to the awareness of the negative effects of institutionalization on children, the process of deinstitutionalization in European countries - Spain and Italy - is underpinned by a progressive process of transformation of social child protection and a focus on the human rights and citizenship status of children and adolescents.

In addition, the construction of democratic processes not only changes the relationship between children and the State, but also makes it possible to go beyond the notion of children as objects submitted to paternal authority and, in the case of those who are considered to be a threat to the moral and social status quo, to State control. The progressive elimination of mechanisms of exclusion such as children's homes, special schools and psychiatric institutions, is thus the outcome of the development of social institutions and the strengthening of citizenship and democracy.

Deinstitutionalization is therefore not just the formal uprooting of those residential systems which sought to replace the role of families, but is also an integral part of a collective and sustainable process of cultural transformation based on a blueprint of society capable of including all its members. Historically, all societies have developed systems of child protection linked either to the family, the community or the State. However, the massive occurrence of abandonment and orphaning of children led Western countries to resort to assistential institutions at least as early as the 12th Century. As an example, in 1198 Pope Innocent III established the "wheel of foundlings" as a means to prevent infanticide and the abandonment of infants in the street.

As well as having a preventative function, from the outset the need was also felt to exercise State control over children who were considered to be living in family situations deemed unacceptable by prevailing opinion and that, as a result, were judged to be abnormal, dangerous and socially disruptive

The specialized literature gives us an account of how, during the first half of the 20th Century, Europe, the United States and most countries of Latin America established a complex legal and institutional framework aimed at rescuing children from the moral corruption of their families, poverty and delinquency, by protecting them in residential institutions.

During the 1960s and 1970s, there arose a debate in the United States and in some European countries on the freedoms, rights and guarantees to which children should be entitled, together with concerns about the rights of psychiatric patients as well as demands for human development policies respecting the autonomy and capabilities of families. This began to stimulate the doubt that the use of residential educational and care centres for children and psychiatric institutions constituted a form of social exclusion, and at times of deprivation of freedom, which failed to comply with any legal guarantees.

In following years, a number of countries, including Italy and Spain, progressively cut back the use of residential institutions for children and resorted to more universal forms of development policies, aimed at ensuring that all children were given opportunities and rights within the sphere of normal family, school and community development.

As an example, in 1971 Italy had 150,000 children in institutional care centres. In 1998, the figure had fallen to 15,000, of which only 1,500 were in large-scale institutions. A similar process occurred in Spain as of the 1980's.

The fact that centuries elapsed between the first forms of social and state care for children, rooted in a concern to protect society, and the current attempts to develop the requisite conditions for children's social integration as holders of rights, shows that deinstitutionalization processes depend on the value structure society uses to understand the role of its members and to define the responsibilities and instruments needed to ensure their rights.

So although deinstitutionalization is not necessarily a linear process and often suffers from setbacks, considering the number of factors involved, successful processes of this kind have been part of social movements in the broadest sense of the term, which made use of a new cultural understanding of families, law, public policies, local social development, management of services and the social practices of the various actors involved.

Families have become the core target of public policies as a result of a shift of emphasis from the danger of their incapacity, to the potential and capacity they have to assume responsibility and ensure the right of children to live within a normal setting. An effective acknowledgement of this role, however, means that attention has to be given to maintaining the necessary balance between the functions attributed to them and the provision of social services as a resource to support them in performing their functions in normal everyday life.

Public policies reflect the status and consideration accorded to children in relation to their potential for and quality of development, and provide the main platform on which to erect the pillars which ensure that children's rights are truly given effect.

This has made it necessary to establish relations between children, families, State and communities based on formal legal mechanisms which recognise a set of mutual rights and obligations in replacement of the protective systems which were based on institutionalization of children.

The Italian experience clearly portrays the influence of legal mechanisms in transforming child protection systems. One key example is Law No. 149 / 2001, on adoption and foster care, which established that institutionalization of children was to be abolished by the 31st of December 2006 and that it should be replaced by mechanisms to return the child to the, or to a surrogate, family.

Extending and improving the care of children and adolescents by general policies for education, health, housing, recreation and vocational training, and promoting their capability to gain access to social integration opportunities has proved to be an indispensable measure to curb the historical trend to create selective policies and programmes, generally of an assistential nature, to address the problems and unmet needs of children and families.

The experiences described in this study show that in order to reform policies and institutions providing care for children whose rights are threatened or infringed, it is also essential to strengthen policies and programmes of inclusion and integration, which need to be tailored to suit the specific situation of the country concerned. In the case of the residential institutions still operating in Argentina, Chile and Uruguay, it is clear that they continue to exist because of weaknesses in universal policies and the existence of complex "institutionalizing circuits" which are still embedded throughout the social system and involve poor families, social services, schools, the judicial system, the police and municipalities.

In this context, redirecting child policy funding and the use of more comprehensive planning and management approaches are ways not only to improve the conditions of children and adolescents but also to improve the effectiveness and synergy of resources allocated to children. Both in Spain and in Italy, the decentralization of social services to respond to the needs of children and families has provided a structure for the move towards an approach based on the promotion of rights and protection. Acknowledging and using the value of communities and human initiative in devising and developing local policy options has shown itself to be of key importance in identifying solutions which are close to hand, restore normal conditions and respond to the need for measures adapted to local situations, instead of imposing a centralised and standardised strait-jacket.

This creates an environment with the potential to fuel deinstitutionalization initiatives linked with locally-managed family support, which can be strategic components in broader local plans geared to improve the ability of municipalities and social networks to innovate and manage child policies.

In the final analysis, this means using the local setting to establish a new approach to organizing and combining services based on the shared responsibility of all actors involved to promote the welfare of the community. In this approach, deinstitutionalization escapes the confines of simply being a goal in the management of special child protection policies and becomes the natural consequence of a local dynamic developed in tune with the needs of children and families.

As previously indicated, one essential element in the processes to transform child protection systems is a change in people's general outlook and interpersonal relations. In this way, the nature of institutional, professional and social work practices within everyday local situations has played a significant role in generating new social dynamics within communities. They provide a source for change which can impact attitudes and conduct so as to contribute to innovation and the establishment of creative, flexible and integrated working methods at the local level.

The most powerful changes which have occurred in local social work, as part of the rights-based approach to children, relate mainly to the replacement of vertical management schemes by horizontal coordination and networking; the use of comprehensive and participatory assessments based on family resources and capabilities instead of family deficiencies; the notion of users of services as actively involved in their development rather than being passive recipients of aid; the exercising of shared responsibility by those involved in providing a comprehensive supply of services in replacement of the system where users were shunted from one unconnected programme to another.

These improvements provide a set of extremely interesting and valuable results which can be used to understand the problems that exist and compare the situations in Latin American countries, and in particular in the *Cono Sur*, in relation to how they are responding to the challenge to produce the necessary tools to make the rights of children and adolescents effective.

With this publication, UNICEF intends to give an account of how child institutionalization policies faltered in Spain and Italy and the way this crisis was overcome by the formulation of human development and rights-promotion policies implemented in the normal settings of families, schools and neighbourhoods. There are also reports on a number of innovative experiences, perhaps similar to developments that have occurred in Spain and Italy, which have been taking shape over the last few years in Argentina, Chile and Uruguay. These all contain important lessons for the development of public policies geared to the strengthening of the citizenship status of children on both sides of the Atlantic.

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Egidio Crotti
UNICEF Representative
for Argentina, Chile and Uruguay

BEYOND THE ORPHANAGE: THE PROCESS OF DEINSTITUTIONALIZING CHILDREN IN ITALY. POST-WAR DEVELOPMENTS.

Valerio Ducci*

☐ 1.1 INTRODUCTION

The history of women and children has all too often been marred by cases of marginalization, difficulties and hardship. Sometimes also with violence. In times of danger or crisis childhood has almost always come face to face with the closed world of welfare institutions, and this is a chapter in our history that cannot as yet be considered entirely closed. It is only in recent years, as a consequence of the new importance given to the concept of protecting children's rights, that it has been possible to break the rigidity of those social policies that entrusted children and adolescents to the care of such institutions.

In Italy the change came about slowly. The serious problem of an institutionalized childhood could not be resolved by simply establishing a series of programmes for deinstitutionalization. A completely new model of social services had first to be implemented, a model that would act preventively where children and families were vulnerable and at risk of marginalization.

Italy took its first steps towards a policy of deinstitutionalization after the Second World War. The country was decimated and had remained outside all European and world cultural debates for over twenty years. The new Italian democracy, founded on the values of liberty and equality, gave the State an active role in the process of promoting individual rights, and new laws were passed to assure dignity and liberty to every man and woman through a system of social security.

But the children of this new Italy were disadvantaged citizens and the journey towards recognition of their needs and rights was to be a long one. The notion that children were, "...the property of their parents, whose duty it was to ensure their survival, and not entitled to any rights"[1] was widespread and entrenched. Slowly and cautiously, this attitude began to change. More attention was paid to the world of children and adolescents. Powers and instruments were developed and refined, enthusiastic and professional educators trained and society's vision of 'planet childhood' changed completely. In the collective conscience, children had at last become human beings on their way to adulthood.

☐ 1.2 FROM 1946 TO THE EARLY 1960s: RECONSTRUCTION AND ECONOMIC DEVELOPMENT

The first Constitution of the Italian Republic in 1948 guaranteed the full development of the individual, obliging the State to remove all obstacles in the path of liberty and equality. State intervention was no longer to be a matter of discretion, and a decentralized social security system was to be established to limit marginalization and intervene in difficult situations.

The Constitution also recognized some specific rights for minors: the right to education, health and protection at work. This meant "a new view of children's rights, a view that has not only led to major changes in the laws on the protection of 'minors', but also on a more general level, to a better cultural awareness of the relevance of ensuring that children receive an adequate education and a structure that is more attentive as to which instruments assure effective protection."[2]

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[1] Meucci, G. P. *I figli non sono nostri*, Vallechi, Florence, 1991(1° ed.1974) p. 24.

A Parliamentary Commission of Inquiry into Poverty of 1951-1952 uncovered an Italy that was backward and poor, with a war economy in urgent need of change. Millions of people were fleeing the most depressed regions and abandoning the fields. Children too were in a difficult situation, with the lives of millions threatened by disease, insufficient food and precarious housing. The war had left a legacy of orphans and abandoned children in its wake and the institutions in which they were housed were overcrowded. The child policies of those years were harshly condemned by the Commission of Inquiry, "We cannot approve the tendency to resolve the situation with huge institutes, which, because of their complex organization, completely ignore the affective problems of children; these problems can only be dealt with through more homely institutions. ... The lack of a 'home' has a lasting effect on the psyche of the child, who may easily turn into a nervous and 'unstable' person and, at some point in his or her development these symptoms may lead a child to go astray."

The Commission's report added: "This solution is not good enough because it creates huge, barrack-like institutes where the children become accustomed to the anonymity of collective life (...). A more modern and rational kind of service would be one that attends to the needs of abandoned children, or those at risk of being abandoned, by setting up small family-style communities (houses or homes),[3] run by qualified staff who would look after not more than ten children or young people, at a time. For the youngsters concerned it would be a way of reconstructing a family and it would furthermore enable them to grow and develop, mentally and physically, in a healthy environment. In this way one sure cause of destitution would also be removed."[4]

The Parliamentary Commission also pinpointed waste, duplication of effort, unmet needs and lack of coodination. Indeed, mother and child social services were characterized by serious inadequacies and deficiencies. However, the Commission's words went unheeded and the social service system continued according to the old model of large national bodies.

Three National Conferences on the problems of public assistance to children and adolescents were held between 1954 and 1958[5] providing the first opportunity for traditional workers in social services to come face to face with new social workers, teachers, sociologists and psychoanalysts.

The first Conference, on the problems of organizing assistance for young people was an almost academic debate, but it represented the first real contribution to a new culture in such assistance. The early ideas that were destined to become policies in the years ahead began to take shape. At that Conference it was made clear that children's needs were to be met where they arose, and basic social services[6] established capable of intervening in a timely manner to help children in need, at the neighbourhood, local or community level.[7]

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[2] Moro, A.C. *Erode fra noi. La violenza sui minori*, Mursia, Milan, 1998, p. 24.

[3] These homes (focolari) came into being immediately after the war (1948) as the result of an initiative taken by social services students to create small communities for minors whose behaviour had led the juvenile courts to pass a sentence of semi-liberty on them. Each home takes in a small group of children aged from 10 to 12 years who are then in the care of two educators and their assistants. See N. Giordani, "I disaddattati sociali", in R. Zavalloni, *La Pedagogia speciale e i suoi problemi*, La Scuola, Brescia, 1967, p. 818; F. Carugati, "Minori: tra istituti e comunità", in Maurizio, R. and M. Peirone, *Minori, communità e dintorni*, Ed. Gruppo Abele, Turin, 1984, p. 30.

[4] P. Braghin *Inchiesta sulla miseria in Italia. Materiale della Commissione parlamentare*, Einaudi, Turin, 1978, p. 161-162.

[5] "Atti della I Conferenza nazionale sui problemi dell'assistenza pubblica all'infanzia e all'adolescenza", Rome, 18-20 June 1954, Ed. ENMPF, Rome 1954; "Atti della II Conferenza nazionale sui problemi dell'assistenza pubblica all'infanzia e all'adolescenza", Rome 1-4 Dec. 1955, Ed. Garzanti, Rome 1957; "Atti della III Conferenza nazionale sui problemi dell'assistenza pubblica all'infanzia e all'adolescenza", Rome 1-4 Dec. 1958. Tip. Litostampa, Rome, s.d.

A standing committee created during the Conference analysed and clarified the complexities of the educational-care institutes, drawing up criteria for action in that sphere. The recommendations were simple but at the same time of fundamental importance.

- Children were not to be put into residential care unnecessarily if it was at all possible to assist them in some other way.
- When this was unavoidable, it was suggested that the most suitable institution for that child be chosen.
- No child should be removed from his or her home without prior social diagnosis.
- The authorities responsible for the procedure should then monitor the child's education and development.
- The educational programmes of the institute should ensure "...that education be provided in a personal manner, and classes conducted in a climate of spontaneity, dignity and respect for the psychological and affective needs of each individual."
- It was recommended that boarders be divided up into small family groups because, "living together in this fashion encourages children to participate actively in the life of the group rather than just passively enduring being with the others."
- To prevent serious disruption in the formation of their personality and capacity to socialize it recommended that, "a permanent link between the young people in care and their family, their former environment, as well as with the society and working world of which they will one day be a part" be encouraged.

The second Conference, in 1955, was devoted entirely to the care given to children living in institutions. The diagnosis was harsh: children were often housed in large, dark convents or buildings resembling barracks. The children's quarters were vast and their education and development inevitably suffered as a result "of this immense anonymity". The interiors were described as being "shabby, colourless and dull . . . Nothing to strike a bright note or lift the spirits." Life inside these homes was thoroughly unnatural for children and adolescents, every day being lived to a strict and standardized routine, education imparted in a depersonalized way, with no attention being paid to the individual child.

There was no time and no space for the exercise of personal freedom in these homes of the 1950s. Teaching staff were ill-prepared, worked on temporary contracts and would often be placed in charge of large numbers of children, making any interpersonal relationship impossible. The institutions were closed and the children spent their entire childhood and adolescent years without coming into contact with normal life and deprived of social contact. More importantly the institutions often lacked even the most basic information about the children in their care, such as their "background and civil status, the address of the family, and the child's medical history." In those years only a handful of small community homes existed to counter the policies of the large institutions.

An ad hoc Commission of the 1955 Conference drew up a set of action points to reme-

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[6] The desire to provide the country with organized basic services – especially social welfare and healthcare services – "at the citizen's door" first saw the light of day during the Liberation. A commission was set up in 1945 by the Committee for the Liberation of Upper Italy to study the proposition and propose a new public health provision. It states in the document that social welfare problems should be resolved by bodies as decentralized as possible (Trevisan, *Per una politica locale dei servizi sociali*, Il Mulino, Bologna, 1978, p. 46). Adriano Ossicini, in a Seminar to study social welfare (Tremesso, 1946), maintained the need "..... for a neighbourhood or area social service. It is necessary to remove the provision of services from the sphere of occasional and emergency care" (Ossicini, *Gli esclusi e noi*, Armando, Rome, 1973, p. 25). As can be seen, even at the first Conference on the problems of social welfare for children and adolescents, the need for widespread social services right down to the local community level was felt, for timely and effective action in the protection of children and their families. The subject came to the fore again in the 1960s in relation to the debate on economic and social programming.

[7] The Italian terms are: *quartiere, borgata, and comunità* (translator's note).

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dy these difficult situations, using the family community as the reference model. On this basis, it was stated that the family structure "was best suited to a small home, although in the case of larger institutions it is possible to arrange for small family-type groups to be set up and given a certain degree of autonomy."

The Commission outlined the characteristics of a family-type group as, "all those aspects of living together, not strictly related to the need for study, recreation and work are to be found in a consolidated form. First and foremost it satisfies the affective needs of each child, enabling him to establish deep and lasting relationships with his companions." An essential pre-condition for the success of these family-style groups was the small number of children. For young children the group "could not be larger than six to ten in number" and "for the older ones, could rise to twenty members per home." The commission also believed that it was vital for there to be "continuous ties between the child and his family, or any relatives he might have."

The proposed conclusions of the second Conference included three general principles:

1. The principle of the family as fundamental and irreplaceable was upheld: care in a home was to be "limited to those cases where the family no longer existed or was incapable."
2. All forms of assistance to keep a family united and to strengthen it "enabling it to fulfill its educational role" were to be developed and maintained in an adequate manner.
3. The "need for children's homes to be run in such a way as to reproduce the family environment to the greatest extent possible" was recognized, as was the fact that they should "direct their efforts to promoting the family."

The third Conference in 1958, focused on the issue of children being cared for in the family. Sadly, it was unable to agree on a strategy.[8]

Only the second National Conference on caring for children and adolescents produced any practical result in the Italy of the 1950s. It had a positive effect on institutions and the people who worked in them.[9] This Conference "may be considered as the starting point of a beneficial evolution in the Italian care system, leading to a change of attitude in many professionals and disseminating many modern ideas, such as family-style institutions, better training for teachers and educators, and opening the institutions up to outside community structures (schools, workshops, parishes etc.)."[10]

Child policies reflected on a smaller scale the many far-reaching social and economic changes that were taking place in Italy. In the years from 1958 to 1963 "a country with a strong rural component was turning into one of the most highly industrialized western nations. The rural and urban scenes as well as the homes of the inhabitants and their way of life, changed radically."[11] However, the living conditions of children and youngsters shut up inside institutions did not undergo the same revolutionary transformation.

☐ 1.3. 1962 - 1969: TOWARDS A WELFARE STATE INSTITUTIONAL MODEL

A period of major political change began in February 1962. After years of government by centre coalitions, the first centre-left government was elected. The basic aim of the new government was programmed development of the economic and social factors of the country to overcome old and new imbalances in the country. In particular, the State's role in social issues was to be strengthened for the purpose of "ensuring a civil standard of living for all," and "a minimum level of social security."

These were the first steps towards an institutional welfare state: the building of a social security system in harmony with constitutional principles was the order of the day, and political debate necessarily entered the realm of the social services such as education, healthcare and welfare. It became necessary to focus on a previously neglected area – small scale local services able to operate throughout the territory and to work in direct contact with citizens. New educational, social and psychological programmes had therefore to be adapted to this approach.

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[8] Marongiu, L. 'Ricordo di un dibattito e realtà', in *Realtà Educativa*, n° 11, 1965.

[9] The most important initiatives for the training of educators came from the Ministry of Justice, the AAI for Religious Educators and the National Association for Assistance to Orphan Workers of Italy (ENAOLI).

[10] Marongiu, op. cit. p. 20–21.

[11] Ginsborg, P. *Storia d'Italia dal dopoguerra a oggi*, Einaudi, Turin, 1989, p. 286.

The government's five-year economic development programme for 1966–1970 provided for the setting up of Local Health Units (USL) for "the care of citizens' health at a basic level with an eminently preventive and social medicine function, as well as to provide health education." In these units "all the health care competences and functions which are currently divided up between a large number of different bodies at the local level" were to be combined.

However, the new programme made no specific proposal for welfare services. It limited itself to stating that "such changes as are necessary should be made to the law and to the organization of social welfare." The only stipulation was that the following general principles had to be respected:

- Poverty should no longer be the only parameter for access to social services.
- Equal service should be provided for equal needs.
- Social welfare should be mainly preventive in nature.

The programme also cautiously tackled a number of other issues directly related to children and adolescents such as nurseries, social maladjustment, mental and physical disabilities, foster placements and residential educational institutions. It was decided that Regional Programming Committees would carry out a detailed census of "the many local and national bodies" responsible for abandoned children while at the national level standards for control, technical assistance and financial support would be drawn up for the numerous residential institutions in Italy.

It was explicitly stated that it was imperative "to restrict the number of normal minors being placed in the care of these educational-residential homes to those for whom there was no other solution and whose families considered it necessary for them to be sent there. A reduction in the number of inmates would, amongst other things, facilitate the reorganization of the sector, which should be carried out on the basis of the checks mentioned above."

The programme shows the surge of concern about overcrowding in these institutions, to which many children were sent only because they were poor. The need for reorganization was reaffirmed and two possible methods of intervention were suggested. First, the need to establish basic standards for guidance, control, technical assistance and financial support activities; and second, the need to strengthen foster placement as an alternative, in order to lighten "the present burden on residential institutions, taking into account the most modern psycho-pedagogical recommendations."

These suggestions did not carry enough weight, however, to produce any appreciable effects on institutionalized children. The move towards foster placement slipped back to being just one of a wide variety of social policies handled by various national and local bodies with authority for childcare and social workers. The legislative framework continued to be the provisions of the Civil Code, and would remain so for the next 20 years. Not until twenty years later, in 1983, was detailed legislation passed to govern the various mechanisms for the care of children and adolescents whose families were in temporary difficulties.

The Administration for International and Italian Social Action (AAI) then set about drawing up general principles for establishing basic standards to which residential homes would have to conform in their work. This was not an innovative document however, and the overall structure of these institutions was not questioned. "To divide one hundred inmates up into seven or eight separate groups would be acceptable both in order to ensure an adequate educational upbringing and to keep administrative costs within reasonable limits."[12] The document did not compare large institutions with the experience of small communities already operating in Italy. In 1971 the Italian Episcopal Conference (CEI) endorsed the position of the International and Italian Social Action group.

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[12] AAI, 'L'istituto educativo-assistenziale', Rome, 1969, p. 13.

One month before the adoption of the five-year economic programme, Parliament passed a law introducing special or 'legitimizing' adoption, amid a heated debate and against much resistance.[13] To give precedence to the affective family over the biological family was seen by some traditional observers as a sacrilege that would destroy blood ties.

The passing of the law on adoption was an event of the highest significance. It recognized the right of children whose parents had died or abandoned them, to live with other families that could fulfil their needs. The law was truly innovative in that it turned adoption into 'legitimizing' adoption, shifting the focus from the need of the adoptive parents for an heir to inherit their property and care for them in old age, to that of the adopted child, who was to be assured protection in the heart of what would now become their family. In other words, the law endeavoured to eliminate the placing of children in residential care (even though the age limit for legitimizing adoption was set at eight years).

This new legislative philosophy provoked furious debate on the needs of children, social policies for children, and the need to provide more 'open' services to support families and children. However, even though the law introduced many new standards, the former 'non-legitimizing' form of ordinary adoption remained in force. It was only in 1971, after the World Conference on Adoption and Foster Placement in the Family, that the traditional form of adoption was finally superseded and the suggestion made that the new formula be extended to all youngsters under eighteen years of age.

Towards the end of the 1960s another document left its mark on the debate on child welfare policies. The Ministry for the Budget of State and Economic Programming prepared a proposal to guide Italian development for the coming decade. The programme, known as Project 80, was primarily an intellectual exercise, but had the merit of once again raising the serious question of institutional care for children.

Project 80 set out general policy guidelines for the social services and suggested that, "social welfare actions should be inspired by concepts broader than 'charity', which continues to govern interventions directed to alleviating specific situations of poverty, and should become a proper social services organization. Social services should be decentralized to regional and local level. A complete institutional restructuring of that sector will therefore be necessary starting from within, and it will have to be based on local social service units ... Specific projects will be prepared to respond to the special needs of the very young, the old or such particular phenomena as cases of social maladjustment . . . ."[14]

Ministry experts focused on the inadequacies of the existing social services system, which was totally unsuitable for handling the changing social demands caused by the rapid industrialization of the country. Traditional families with a rural way of life or who worked in cottage industries were disappearing. Italian society had become an urban society and new phenomena – marginalization – permeated the new structures.

Project 80 was explicit: "Confronted with such problems, the defence of citizens must be undertaken as a matter of urgency and their freedom increased. Intervention must be on a personal basis and solutions which only serve to perpetuate and aggravate the process of marginalization (of the aged in asylums, illegitimate children in orphanages and the mentally ill in psychiatric hospitals) must be avoided."[15]

The authors of the document did not hesitate to condemn the use of large, residential institutions for children in difficulty. "In the light of the harmful effects produced by a prolonged sojourn in these educational and social welfare institutions, it is recommended that

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13 Law no. 431, dated 5 June 1967.

14 Ministero del Bilancio e della Programmazione Economica. *Progetto 80*, Feltrinelli, Milan, 1969, p. 44.

15 Ibid., p. 146.

their number be drastically reduced. It has been possible to carry out this direction mainly due to the application of the special adoption laws."[16]

The document also took an energetic stance on the need to campaign against social marginalization and suggested that all institutions like asylums, mental homes and large residential social welfare homes be closed down. However, the suggestion was opposed by other sectors of the Italian government. In its report on the State Budget in 1969, the Ministry of the Interior declared that, "Public aid arouses significant general interest since social services and activities contribute to defending the social fabric from passive and parasitical elements." The arguments and political debate concerning the role and function of public aid had already reached the corridors of the Italian State machinery, where Government ministers themselves were divided into innovators and traditionalists.

Italy was one of the countries caught up in the major social upheavals of the late 1960s. Established social orders were challenged in the USA and Europe, and in Italy attempts were made to demolish the seemingly immovable and rigid power structures. The large residential social welfare institutions were seen as part of this immobility, a link to the traditional and conservative social vision.

Italy was the scene for controversy about the function and quality of social welfare policies for marginalized sectors of society.[17] The anti-institutional movement was spear-headed by Franco Basaglia, a psychiatrist working in the hospital of Gorizia, a town in the north of Italy. In 1968 he published *L'Istituzione Negata*, the mainspring of criticism directed at the enclosed world of the residential institution. In this publication [*The Institution Denied*], he spoke out against the most traditional concepts of psychiatry. "This society of so-called well-being and abundance has now discovered that it cannot openly show its violent aspect, so as not to create too obvious contradictions in its midst, which would be detrimental to it. It has therefore found a new system – that of delegating its power to technicians to administer in its name; they will continue, through different forms of violence – technical violence – to create new outcasts. The job of these intermediary figures is the mystification of violence without however changing its nature, but with the difference that the object of violence adapts to the violence of which it is the object."[18]

In the same year, Erving Goffman published *Asylum*,[19] a book denouncing total institutions and containing a pitiless analysis of the nature of the instruments of exclusion by an individual who found himself in a situation of marginalization and need.

Many social workers, heartened by these new analyses, began to question their own role and assumed a new one "to seek through political and technical efforts to become 'critics of the social system'."[20]

Children's residential institutions were attacked by the social and political movements

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[16] Ibid., p.147. It was at that time that the numbers of institutions and their inmates began to be reduced. The most negative reactions involved those for children and minors in general (see: 'Crisi degli istituti di ricovero', *Prospettive Sociali e Sanitarie*, n° 12, 1972: 5). Nevertheless, the institutions resisted the application of the special adoption law, as can be seen from the letter below, chosen from amongst many in the same tone, in which the orphanage answers a request to adopt: "We are in receipt of your letter of 27/7 in which you and your wife express your desire to adopt one of our orphan girls aged between six to twelve or fourteen years. We regret to inform you that we are unable to concede to your request as the regulations of our institute categorically exclude consenting to adoption. Notwithstanding the positive aspects that such requests may individually present, our programme of education and training does not allow for our girls being allowed to leave the institute before they are of an age to do so." (Alasia, Freccero, Gallina, Santaner, *Assistenza, emarginazione e lotta di classe*, Feltrinelli, Milan, 1975, p. 182–183).

[17] In a book by Giudetti, Serra and Santaner, *Il paese dei Celestini. Istituti di assistenza sotto processo* Einaudi, Turin, 1973, there is a collection of legal resolutions referring to 19 inmates. They represent nineteen chilling histories of unfortunate child 'assistance' cases, if such a term can be used. The editor of the file writes in his introduction: "the collection is not meant to be a 'museum of horrors', but rather to show the quantity and diversity of deformation that can occur using the already negative method of institutions."

[18] Basaglia, F. (ed.), *L'istituzione negata*, Einaudi, Turin, 1968, p.116.

[19] Goffman, E., *Asylum*, Einaudi, Turin, 1968.

[20] Terranova, F., *Il potere assistenziale*, Editori Riunite, Rome, 1975, p. 175.

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of the time.[21] Towards the end of the 1960s experimental models began to encourage the return of children to their biological families by providing support to these families, while promoting residential care in shared apartments or family-style communities, to those children who could not go home to their families or be entrusted to another family.[22]

In the late 1960s and early 1970s a productive alliance between social workers and local public authority administrators from provinces and districts led to the creation of small communities to care for children. The agreement between social workers and public administrators modified, in effect, existing care policies. Recourse to large institutions could no longer be seen as an almost automatic step for a child or adolescent in difficulty. That one year, 1968, triggered great collective enthusiasm and the climate it created supported the birth of many small-scale care communities.

In addition, the demands of the trade unions, with 1969 being a year of momentous battles for workers, helped to modify social policies. The unions demanded a new focus on social welfare and childhood in any election, and strong social movements clamoured for collective social services to prevent and contain marginalization and need.

These 1968 movements transformed issues such as social welfare, which had been restricted to those actually working in that sector, into subjects of general, informed and widespread reflection.

☐ 1.4. 1970 - 1978: REFORM FOR WELFARE AT THE LOCAL LEVEL

Nothing was ever the same after 1968. It was an all-encompassing movement that transformed Italy. Even the way public authority was organized changed radically. In 1970 the powers of the State, which had until then been very centralized, began to be handed over to decentralized regional authorities. The pattern of public administration changed and legislative functions, social security coordination and programming were all delegated to the new regions while the administration of the social services was given directly to town councils.

The Italian social security system was destined to change radically. Citizens would have easy access to local services that would identify the causes of vulnerability and organize immediate prevention policies. The purpose was obvious: to try to reinsert people at risk of marginalization into their social context.

The passing of the powers and authority of the State into the hands of the regions was neither easy nor painless. State bureaucratic resistance was persistent. Only in 1977 and 1978[23] was the decentralization of the Italian State finally achieved. However, it was still impossible to lay down a general framework of laws for the social services – a framework which the Commission of inquiry into poverty had considered essential back in 1952.

The new regions entrusted the administration of both social services and health care to Local Health Units (USL) and the image and philosophy of public health care changed completely, becoming a reference model for the reorganization of all social services.

Tuscany, one of the most important regions of central-north Italy, drew up a series of principles in 1973, upon which the new basic social services bodies should draw:

- Democratic 'participation' in the programming and management of the services was considered essential.
- Every citizen, no matter what his class or category, had a right to the functions of the social services.
- The social services had to be 'open' and had to operate in adequate territorial areas.
- Health, social and educational services had to be closely integrated.

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[21] Some exemplary scientific investigations were carried out in those years. It is worth recording the analysis of a children's institution produced by Carugati, Casadio, Lenzi, Palmorani, Ricci, Bitti, *Gli orfani dell'assistenza*, Il Mulino, Bologna, 1973. The investigation, begun in 1969, offered valuable guidance for preparing alternatives to such institutions.

[22] Carugati, F., F. Emiliani and A. Palmonari, *Il possibile esperimento. Ricerca sugli interventi alternativi all istituzionalizzazione di minore*, AAI, Roma 1975.

[23] It was the decrees of those years that provided for the transfer of functions to the new regional powers and the approval of health reform.

- The social services had to have a specific preventive function to obviate situations of vulnerability.

Tuscany's experts defined the new social welfare policies thus: "Their intervention should, above all, be aimed at reducing and eliminating the placing of people in the care of charitable and social welfare institutions, which leads to the isolation of citizens in need, and therefore greatly hampers the achievement of our constitutional and statutory mandate ... If the proposed objective is to create an alternative to placing people in institutions or, what comes to the same thing, to encourage the keeping of children, old people and the handicapped within the family unit as well as in their own social circle, then it can never be fully attained with the granting of cheques* to make up the difference and the provision of help in the home, which in turn means that some other alternative has to be found. The establishment of small core communities could be encouraged ... that would reproduce as best they could the living conditions of a family environment."[24]

As a result of the momentous cultural and institutional changes in Italy in the late 1960s and early 1970s, conditions were ripe for deinstitutionalization and for experimenting with alternative interventions for children in need, those who could no longer be brought up by their family.

The number of small residential initiatives, designed and set up specifically to avoid having to send children into institutions, began to multiply. In fact, they were created to meet the urgent needs of the thousands of people who had been living in institutions, and to give them the chance to live a genuine social life. These communities offered new possibilities to hundreds of children and adolescents, and endeavoured to repair the physical and mental harm that these youngsters had suffered during their years in rigid institutions.

The new methods of organizing the way in which children and adolescents would live together were not so much modern methods aimed at eliminating the outdated large-scale institutions and their "ideology of exclusion",[25] but the outward and visible sign of the desire to confer on social services an emancipating significance – freeing citizens from situations of dependence which were not entirely natural.

Some experts have studied these reforms closely and acknowledge that the placing of anti-institutional issues and demands on the programmes of local bodies was mainly due to the important part played by "left-wing political parties, trade unions and other social forces in the campaign for mental health and against social marginalization, in close connection with the broader reform of social and health services."[26]

The 1970s saw the elimination of national social welfare bodies. All national institutions were reorganized at the local level and social policies passed definitively into the hands of the regions. The National Organization for the Protection of Mothers and Children (ONMI), which, in addition to its other duties, was responsible for the supervision of public and private institutions, was dissolved in 1975. This was the crowning achievement of an exhausting political battle after years of scandal and mismanagement.

Also in 1975 the Italian Parliament passed a Family Rights Reform Law,[27] – a milestone on the road to recognition of children's autonomous rights in the essential process of preventing the social exclusion of children and adolescents in difficulty.

This reform ended the official patriarchal concept of the family and intra-family relations, in which the pater familias had undisputed power over his wife and children. The reform acknowledged that the wife's role in the family and society had changed and that the old Civil Code no longer reflected the reality of Italian society. It recognized that all children and adolescents possessed an autonomous personality that should be supported by the family during the crucial years of their upbringing. Adolescents were seen as entitled to rights linked to their evolving needs. Furthermore, children and adolescents required special protection because as minors they were in the condition of being 'weak' subjects.

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* *Assegno integrativo* – an economic contribution to the family to avoid institutionalization.

[24] Regione Toscana, Consiglio Regionale, Dipartimento Servizi Legislativi, 'Assistenza Sociale. Documento di lavoro per la legge di delega e di riforma delle funzioni amministrative', Florence, June 1973, p. 69-70 .

[25] Carugati, Emiliani and Palmonari, 1975, op. cit. p. 28.

[26] Bonini, M.C. et al., ***Diventare uguali. I minori dall'istituti ai gruppi-apartamento***, Coines Edizioni, Rome, 1976, p.21.

[27] Law n° 151 of 19 May 1975.

Some of the basic ideas of the new law were essential and decisive:

- Both parents have authority in relation to their children, but this is not a power to be exercised 'over' them. It should rather be exercised 'for' them and its purpose is to support them adequately during their development.
- Education is a dynamic process – the development of a child's potential – and parents have an obligation to satisfy, according to their means, the inclinations and aspirations of their child.
- The status of natural son or daughter, according to the Italian Constitution, is equivalent to that of legitimate son or daughter. The label of 'illegitimacy', was removed from Italian law in 1975.

The new Family Law envisaged a strongly communitarian family, solidarity among its members based on the equality of the parents who are jointly responsible for the education of their children, and respect for their specific and respective vocations.

In effect, the 1970s captured the inheritance of the previous, tumultuous decade. The State changed its structure, handing over a significant part of its powers to local bodies and the reality of new family relations was recognized by law. Wives and children were no longer 'subjects' in the family to the power that had, until then, rested exclusively in the hands of the man.

1.5. 1979 - 1989: A LOCAL DIMENSION OF WELFARE

The decentralization process of the Italian State was obviously one of light and shadows. The limitations of the transfer of authority soon became evident in the area of social welfare policies. Authority and power were passed to regions and municipalities, but no national social services plan or framework law was drawn up. These were indispensable for the orderly passage from an old, fragmented, disorganized system to new services integrated at the local community level.

In the absence of national guidelines, the new regions opted for different social policies. Some made their USLs responsible for the new decentralized services. These units were already in existence thanks to the healthcare reform and this particular organizational model met the requirement of integrated management of healthcare and social welfare. Because of their territorial and demographic dimension, adequate professional and financial resources could be made available to them. Other regions, on the contrary, delegated management of these services to the municipal administration. In many cases this was a mistake as the smaller administrations lacked the trained personnel they needed for the challenges of the new social policies.

Despite serious shortcomings the new welfare system was a major change for the better in social policy terms. The new decentralized organization of basic services made it possible for decisions to be taken for integrated development. Interventions in favour of citizens in vulnerable situations were no longer separated from more general policies. Important issues such as housing, factories, infrastructure and social services were, for the first time, tackled in an integrated manner.

On another, more direct, level decentralization of social services meant that there could be a different kind of relationship between the public sectors and the citizens. The people who worked for these services came into immediate contact with the local community. They knew what the needs and problems of the citizens in their particular district were and were therefore able to produce alternative and more flexible ways of responding to them as a result. Furthermore, it was far easier to organize a network of diversified opportunities because agreements could be reached more quickly between decentralized public bodies, private social organizations and informal communities.

In the 1980s social policies took new directions and adjustments were made. Financial crises meant that the State could no longer guarantee central funds, making it necessary for local services to seek funds elsewhere. The rigid division between public and private interventions began to disintegrate and new forms of partnership emerged as people grew increasingly aware that vulnerable citizens should not be excluded from the social community.

Once again, Italian society was changing, the industrial model was creaking and the new post-industrial Italy demanded even greater flexibility and diversification from its social services. It was not easy for those working in the social services to meet citizens' renewed demands. Social policy reforms had not yet been completed and the 1980s were a difficult and contradictory time for these operators.

Nevertheless, in 1983 Parliament approved a long-awaited law – the new regulation for adoption and foster placement.[28] While this legislation, to some extent, merely noted already existing practices and behaviour it became a valuable manifesto for the guidance of institutions and those engaged in the protection of children providing clear principles and guidelines for interventions and for child, adolescent and family policies.

A crucial part of this legislation was its affirmation of the basic principle explicitly confirming family relationships as essential resources for the development of a child's personality, and recognizing the child's right to be educated in his or her own family.

Control was entrusted to local authorities, while the special role of the school was recognized in reporting cases of children in difficulty to the social services. This new law most decidedly set the priorities for intervention: the natural family was to be supported and barriers that might prevent it meeting the needs of its children – care, education and social development – were to be removed. It was a kind of social imperative, every possible effort must be made to enable the family in difficulty to meet its educational responsibilities to avoid interventions that were traumatic for child and parents.

When foster placement became unavoidable, placement in a family environment was to be the first option. In other words, another family with children would be the first choice, followed by a family without other children, or lastly, a family-type residential community. The child's development should not be interrupted and his education should continue until the desired return to the biological family.

The new law on adoption and foster placement was valuable, but its application was neither simple nor immediate. It acknowledged that temporary foster placement had an educational purpose, and identified it as a priority alternative to institutionalization, but the effectiveness of foster placement is linked to the capacity of the social services to monitor developments and intervene when necessary, providing support for the complex relations between child, biological family and foster family.

Foster placement can be extremely successful in a local community that can take on responsibility for protecting the rights of its own children. Solidarity among different families makes it possible to choose families that will give stability and assist another family in difficulty. This new law relegated institutional options to a completely residual role, "when no foster placement is possible."[29]

The new regulation on adoption contained a number of important innovations. From this point on there was no qualification to adoption, and, in conformity with the Strasbourg Convention, it would have legitimizing effect. In addition, the new regulation waived the eight years of age limit fixed for this kind of adoption, and greater attention was paid to international adoption, an area destined to develop very significantly in a country with a shrinking birth rate.

It should be emphasized that fostering and adoption continue to be instruments with radically different aims. A child or adolescent may be placed with another family or in a community when the social services are satisfied that the biological parents cannot guarantee the child an adequate education due to temporary difficulties. However, those same social services are clear that once the crisis has been overcome, biological families, with all their faults, are the best way to ensure that children receive the care and affection they need to develop.

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[28] Law no. 184 of 4 May 1983.

[29] Over fifteen years after the passing of Law no. 184/83, the Italian Association of Judges for Juveniles and the Family took a stance in the matter of closing residential homes. In a paper of 16 April 1996 the Association stated: "It appears to us that the time has come to consider the complete abolition of children's homes and their transformation over a period of time into communities, whose main characteristics will have to be defined." *Minorigiustizia*, n°3, 1996, p. 116.

On the other hand, adoption is necessary where "the family has completely renounced its responsibility towards the child, it is the clear will of the parents to abandon their responsibilities to educate the child and they show no interest in her or him, the lack of parental presence seems to be irreversible and consequently any attempt at recuperation would be pointless."[30]

By the end of the 1980s the reform process had also reached the institutions where adolescents who had broken the law* were detained, in the form of "new provisions for minors sent for trial."[31]

The significance of trial for minors according to the new provisions was that of administering justice while at the same time eliminating, or at least reducing to a minimum, its destructive effects. This would be achieved through precautionary measures or sanctions to protect the developing personality of the adolescent and safeguard or re-establish educational processes and the conditions necessary for development. In other words, the new provisions reduced the space for punishment and coercion and broadened the space for educational purposes, foreseeing possibilities for intervention without custody. These aims were pursued by reducing the child's or adolescent's links with the penal system – and even more so with the penitentiary – via precautionary measures, suspended sentences and parole. In addition, measures were enacted to promote change, through programmes designed to keep or reintegrate the child or adolescent into everyday life.

The new Code of Penal Procedure for Minors was a qualitative leap that summarized a total evolution of values, attitudes and generalizations about the corruption of children and adolescents – an evolution from punishing delinquent youngsters in order to protect society, to entrusting them to communities where their rights to education and development are ensured.

Such a change in quality implied a strong link between the judicial system and the local social policy system. Indeed, it would be unthinkable to pursue the educational aims of the process without a link between the adolescent's living environment and the local territory's resources. Every adolescent needs multidimensional education, which requires the integration of many professional, educational, social and vocational resources.

Of the many resources that may be employed in this respect, the community deserves special mention. Law No. 184/83 also mentions this option but without giving specific detail. However, Legislative Decree No. 272/89 specifies the criteria that a community must meet:

1 It should be organized along family lines and also include minors who are not in conflict with the law. It should be composed of no more than ten members to ensure that it is conducted in a suitable manner and

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[30] Moro, A.C., 'Non mittizziamo l'affido', in *Bambino Incompiuto*, n° 3 1984, p. 28.

* The Italian term is *adolsecenti con condotte devianti* (translator's note).

[31] It is of course not a recent discovery that a correction centre or juvenile prison are not the ideal environments for offering the antisocial adolescent an opportunity for positive recuperation experiences. In 1957 Roberto Zavalloni, influenced by the reflections of a director of a correction centre for minors, wrote as follows about imprisonment: "It should be noted that custody is in inverse proportion to educational possibilities when by custody we mean a restrictive apparatus and not the vigilant care of an educator. The only solution would appear to be to abolish juvenile prisons....". After a brief review of the problems of adolescents who are inmates of a correction centre, he affirms: ". . . .it is clear that no positive result can be had from introducing the subject into an artificial community such as the typical correction centre for minors. In such an environment, instead of acquiring awareness of his personality, his limits, interpersonal relations in society's wider sphere, the adolescent will continue to lose ground in the fatal impersonality of collective solutions." (Zavalloni, R., *La psicologia clinica nello studio del ragazzo*, Vita e Pensiero, Milan, 1957, pp. 369–370).

atmosphere and also to enable projects tailored to the individual to be implemented.

2. Only trained professionals from the various disciplines should be employed.
3. All institutions concerned should collaborate and the region's resources be used.

This was the first time that minimum standards appeared in a national legislative text for judging the quality of residential communities for adolescents.

☐ 1.6 1990 - 1998: GUIDELINES AND INSTRUMENTS FOR A NATIONAL CHILDHOOD AND ADOLESCENCE POLICY

The Italy of the 1990s experienced extensive change once again. A whole political class was involved in scandals and criminal proceedings (it was the period of Mani Pulite "Clean Hands"[*]) and eventually disappeared from the political scene. These were also the years of the welfare state crisis. While public spending had to be checked, widespread tax evasion denied the social system financial resources.[32]

In this situation, in many ways contradictory and uncertain, the role of volunteers and the concept of social cooperation developed, becoming important resources for the well-being of the local community and its policies. This phenomenon, reflecting social awareness of the importance of solidarity and of protecting the rights of those in difficulty, provided an opportunity to build up an integrated network of basic services, characterized by the integration and complementarity of public resources and the resources of the local community.

There was no lack of confrontation and controversy on the way. Municipal administrations disputed the competence assigned to the USLs through regional legislation. They accused the regions of practising 'centralized' administration of the services, thus hampering interaction between the administrators and citizens, because the citizens continued to look to the town councils as their point of reference for social services.

Law No. 142 of June 8 1990, on the new ordinance for local governments, appeared to support their claims, assigning as it did all administrative functions of the social services to the municipal authorities. The tensions demonstrated the need for better meshed solutions in the network of services, that would free social services from their status as 'auxiliaries' in relation to public health, especially since the latter had seen a technocratic modification occur in the public funding of USLs,[*] making their relations with local governments even more problematic.

The line taken by the municipal authorities, while interesting, did however open up the question of the integration of public health policies and social policies. This was a fundamental issue for the management of many aspects by those services concerning children, adolescents and family. Such as, for example, the question of foster placement and adoption.

Some of the laws introduced in the 1990s were destined to have a significant effect on children's policies. On 27 May 1991, Italy ratified the United Nations Convention on the Rights of the Child (CRC). This instrument provides clear guidelines by which to measure whether these rights are being applied or not in Italian regulations, and, more particularly, if they are being applied in reality. The States parties to the Convention undertake to respect the rights listed in the Convention for every child "without discrimination of any kind, irrespective of the child's or his or her parents's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." (Art. 2) Not only is every form of discrimination excluded, but it also provides that in every decision taken "whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." (Art. 3) Lastly, States "shall undertake all appropriate administrative, legislative and other measures for the implementation of the rights recognized in the Convention." (Art. 4) The application of universal, indivisable rights of the child became an obligation.

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[*] *Mani Pulite* – a movement of judges and prosecutors that in the 1990s conducted a legal battle with politicians and others accused of being involved in vast networks of corruption.

[32] Ascoli, U., 'Le carte truccate della politica sociale in Italia: crisi fiscale, privatizzazione e ristrutturazione de servizi', in *La Rivista di Servizio Sociale*, n° 2, 1990, p. 18.

[*] The *Azienda sanitaria* is the administrative unit at sub-regional level, responsible for managing the health services of a specific U.S.L.

The Convention is not merely a manifesto *that limits itself to proclaiming rights, it also* provides for periodical controls on the actual state of application by signatory countries. Every State shall report on the situation to the United Nations Committee on the Rights of the Child.

In addition, in July 1995, the Standing Conference on Relations between State, Regions and Autonomous Provinces, agreed guidelines on urgent interventions on behalf of children. The text signals a significant return of interest at the national level in favour of a comprehensive policy for children and adolescents. Autonomous local authorities claimed a new role and function in this sector.[33]

The Conference expressed concern at the continuing and frequent examples of lack of protection for children and urged the relaunching of urgently needed policies in relation to the needs of children and adolescents and family conditions. The Conference made an alarming discovery, "Institutionalization continues to affect a very large number of children", and was still "the main form of intervention in southern regions." The Conference document appealed to these regions to renew their commitment to local policies capable of helping families in difficulties and reducing marginalization. Yet again guidelines were drawn up for interventions in favour of children and adolescents following these criteria:

- Priority to be given to family-type placement in the social reinsertion process of children separated from their family of origin.
- Interventions to restore the educational, cultural and social fabric in which children and their families live should be increased and integrated. Such interventions should be clear and specific: a priority instrument for this is to provide social and educational assistance in the home.
- Foster placement is the preferred solution.
- Adoption standards approved in the 1980s should be correctly applied.
- Residential institutions for children and adolescents in difficulty should be reorganized.

The Conference did not restrict itself to indicating abstract needs, it drafted precise *recommendations for the reorganization of* these institutions.

- Standards must be set for running the different types of residential institutions.
- Only those that comply with the minimum requirements to guarantee that children live in suitable surroundings and enjoy the relationships necessary to their development may be used for placement.
- Family-type institutions, capable of responding more directly to children's needs must be given preference and strengthened.
- Emergency residential services for victims of family violence must also be strengthened. These services must all be able to make immediate interventions for the physical and mental well-being of mothers and children, and contribute to finding speedy personalized solutions.
- Regional experts should carry out regular checks on the correct functioning of these residential institutions.
- Regions should also establish databases and provide detailed information about children in difficulty living away from their biological families.

The principles in these guidelines were drawn directly from the provisions of the 1983 law on adoption and foster placement. However, this new debate helped to create the basis for integrated action between the State, the regions and the local authorities – a necessary alliance for uniformity of action in favour of children and adolescents throughout Italy. For the first time a serious attempt was made to establish new links between the various State levels. The central government assumed overall responsibility for general administration while the regions continued to be the most important players in detailed territorial planning.

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[33] 'Interventi urgenti per i minore. Linee guida' in *Autonomie Locali e Servizi Sociali* n° 3 1995, p. 413.

In March 1995, the Ministry for the Family and Social Assistance set up a National Observatory, by decree, on childhood problems and linked it with the National Centre for Documentation and Analysis of Childhood and Adolescence.[34] Shortly afterwards these instruments were given legal backing.

The following year the government approved a Plan of Action for Childhood and Adolescence – a great innovation. Clearly stated basic social policies for children became the core element of government programmes. The government paper was explicit, "The country's major decisions must be made taking into consideration the needs, potential and expectations of people living through a stage of development and formation."

The Plan of Action represented "joint coordination of the action needed to enable the Italian political system to extricate itself from the perverse logic of under-valuing childhood and having to improvise in emergencies." The government undertook to guarantee the rights of the child in everyday life by pursuing a policy that was "not segmented and fragmented but rather converging toward unity wherever life is seen as a 'continuum' marked by different evolutive phases in personal development and formation."

The Plan paid particular attention to preventive interventions, but it did not forget the risks of vulnerability: "Childhood is also and above all an age when family difficulties of various kinds may suddenly erupt. When confronted with a risk situation linked to all manner of family problems, local institutions should be in a position to adopt a series of interventions in which the role of the area's social services is fundamental. The serious problem of institutionalization, still too frequent, should be tackled by national and local policies that will firmly support the family in difficulty on a daily basis, foster placement in another family, as well as by setting up small, family-style communities throughout the country that can fully meet the demands of the individualized project that should be drawn up for each child. The purpose should be to reduce to a minimum the risk that problems in the natural family lead to the almost certain prospect of a future marked by social marginalization and lack of affection and social relationships."

The government did not limit itself to calling on all institutional bodies to mobilize in order to attain the Plan's objectives, it also called for the firm commitment of the whole of society as well as private social welfare associations or organizations to be "increasingly attentive to the needs of childhood and adolescence and more involved in providing active support to individuals on the threshold of life as they grow and mature." Lastly, the Plan unfolded a wide range of legislative initiatives and actions for administrative coordination: Italian childhood policies could no longer be permitted to be episodic and fragmented.

On 28 August 1997 Parliament passed Law No. 285 to give effect to the provisions of the Plan. This established standards for the promotion of children's and adolescents' rights and opportunities. It provided the government with the instruments it required to intervene and implement primary and secondary prevention policies designed to promote more favourable living conditions for children in "the most suitable environment, whether it be the natural, adoptive or foster family." The role of the regions in the programming and that of the local authorities in the drawing up of territorial plans were of fundamental importance to the application of these new laws. Local authorities also had the task of mobilizing and maximizing the community's resources, stimulating the participation of the private social welfare sector and the collaboration of other actors, such as the Provincial Superintendancy of Studies, the USLs and the Centre of Justice for Minors. Funds were set aside to achieve the objectives of the new law: a fund was set up for children and adolescents, and competent professional resources allocated to provide technical support

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[34] Regarding the origins of the organization, see 'Il diritto de crescere. Rapporto 1996 sulla condizione dei minori in Italia', Presidenza del Consiglio dei Ministri, Rome, 1996, pp. 39 and 40.

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for interventions and monitor its application.

Deinstitutionalization was at the heart of the new law. Its objectives were clearly defined: interventions designed to promote parent-child relations were to be financed and supported by remedying situations of violence and poverty, and alternatives found to placing children in residential institutions. The law also provided financing for projects on socio-educational services for children in their early years – services that would also consider the needs of their parents. Projects to promote the instructive use of free time were also included as were positive steps to encourage children and adolescents to participate in the life of the local community, exercise their fundamental civic rights, and make better use of their urban and rural surroundings.

The new law was a serious attempt to withdraw child policies from the assistance sector and open up new horizons through a civil community capable of grasping the educational importance of interventions for children.[35] For the first time Italian policies for children and adolescents were able to refer to detailed guidelines.

Law No. 451 of 23 December 1997 established a Parliamentary Commission on Child Issues and gave legal force to an Observatory established two years earlier by the Ministry for the Family and Social Assistance. The Parliamentary Commission was empowered to administer and control the application of international treaties related to the protection of the rights and development of those in their formative years.

The Observatory, meanwhile, was answerable to the Department of Social Affairs of the Presidency of the Council of Ministers and headed by the Minister for Social Security. Its task was to define the guidelines for child policies (the Plan of Action) and to be responsible for the two-yearly report on the condition of children and adolescents in Italy. The Observatory was also responsible for preparing an outline of the report to be sent to the United Nations Committee on the Rights of the Child, in compliance with the CRC. The Observatory was linked to the National Centre for Documentation and Analysis on children and adolescents, which fulfilled a wide range of functions:

- Building up a corpus of knowledge and information to help the Observatory in its work.
- Studying and analysing the conditions of children and adolescents and preparing the two-yearly reports for consideration by the Observatory.
- Contributing to the development of a new culture of childhood and new childhood services in collaboration with the regions, local authorities and all bodies with competence in that sphere.

To coordinate actions between the State and regions, a new law stated that the regions should adopt "appropriate measures for the coordination of local actions to collect and process all data relating to the living conditions of children and adolescents within the region."

In 1998 Italy ratified the Hague Convention of 29 May 1993 for the Protection of Children and Cooperation in Respect of Intercountry Adoption. International adoptions had already reached significant proportions, indeed they exceeded the number of national adoptions due to the sharp drop in the birthrate. The ratification of the Convention filled the gaps in domestic legislation on adoption, unchanged since 1983, and brought the Italian regulations into line with those of other countries.

The Hague Convention aimed to block commercial forms of adoption and even worse practices, and to replace them with adoption procedures that would safeguard the fundamental rights of the child. The Convention imposed procedures on states for the selection, preparation and assisting of adoptive couples, to guarantee a successful outcome for a very complex form of adoption, given the obvious problems inherent in 'transplanting' a child to another culture. Families resorting to international adoption could no longer be left isolated. They had to be well informed and supported from the start of their search for a child. The

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[35] For better knowledge of the types of services, see Centro nazionale di documentazione e analisi sull'infanzia e l'adolescenza, *Infanzia e adolescenza, diritti e opportunità*, Istituto Degli Innocenti, Florence, 1998.

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state of origin, for its part, had to be sure that the child had effectively been abandoned, that there was no possibility of finding the child a home in his or her own country, that international adoption would be in the interests of the child and that he or she was aware of what was happening and could participate in events, according to his or her age and maturity.

Ratification of the Hague Convention permitted a more careful management of international adoption than in the past, and thanks to close cooperation between the States parties to it, many of the failures that resulted in rootless children ending up in institutions could be avoided.

The 1990s were surprising years. They did not appear to be a favourable period for social policies and the crisis of the welfare state seemed likely to prevent any sort of progress. But in fact, this decade saw a number of important and decisive changes take place. At the national level a complex set of child and adolescent policies had been drawn up. A closer pact had been sought between central powers and local autonomous authorities to overcome the many geographical and social divides of Italy.

National Plan of Action and intervention for safeguarding the rights and development of children in their formative years

Under the 1997 law, the Italian government was obliged to approve a programme for children and adolescents every two years. This commitment was considered to be "of extraordinary civic and cultural importance" – the first time that a general plan of this nature with a set timetable had been prepared.

For years Italy had been negligent in its approach to children and adolescents. The real change began in 1996. In the four years between 1996 and 2000 Italy invested almost ten billion lire (five thousand million dollars) to cover the cost of implementing laws in favour of families. For the first time, 1.2 billion lire (600 million dollars) was allocated to services for children, adolescents and parents. The Government stated that a modern country should aspire "not only to growth and wealth" but must not forget the objectives of "social equity and equal opportunities."

The authors of the Plan were clearly aware that it is difficult to be a child or an adolescent growing up in a country in the throes of transformation to modernity. Therefore the 2000–2001 Plan of Action sets priorities for intervention.

The Plan recognizes that child development is linked to the democratic and social growth of Italian society. For that reason, the campaign against poverty, the commitment to reduce unemployment and the efforts to ensure equality of opportunity for women cannot be separated from interventions carried out specifically in favour of children.

It provides for precise legislative interventions. For example, the Government undertakes to propose bills guaranteeing that minors will be heard in legal proceedings, to approve a single text on recognized children's rights and to reorganize juvenile penal centres for adolescents. Attention is given to actions to improve the living conditions of children and adolescents. Priorities are clearly established: support for families, projects to make cities more child-friendly, services for individuals and healthcare. The Plan also recognizes adolescents as having "active citizenship rights" through initiatives implemented by schools and local administrations.

Special attention is also given, for the first time, to foreign children. Many of the Plan's most important pages describe how the presence of large numbers of foreign immigrants is changing the face of Italian society. The priority in this sensitive area is "the protection and integration of foreign children living in Italy." The Plan commits the Government to guaranteeing compulsory basic education and ensuring that Italian schools can cope with this new state of affairs. A growing number of foreign children, however, are unfortunately being drawn into delinquency. The Plan provides for the presence of cultural mediators to work in juvenile prisons, and support for families and centres willing to take in youngsters involved in criminal proceedings so that they can benefit from alternatives to imprisonment. Instruments that give young foreign ex-offenders the chance to return to school, to the family or, as a last resort, to residential institutions, are seen as crucial.

Any national policy may still have limits and weak points. In Italy, however, it has been possible to exploit the impulse and desire of society to explore new approaches that, if well exploited, would improve the quality and degree of intervention for children. A demonstration of the wealth of intelligence, competence and awareness was seen in Florence at the end of 1998, when the National Conference on Children and Adolescents was held under the auspices of the Presidency of the Council of Ministers. Thousands of experts, operators, administrators and representatives attended the conference and debated the need to implement the 'citizenship rights' of every child in Italy. It was expressly pointed out that these rights were not exclusive to Italian children, but that they also extended to foreign children who had come to Italy with their families.

However, the lack of a framework law for social services after fifty years, coupled with the debts of the 1990s, have created a vacuum that could have profound implications for the development of the Italian social security system in years to come.

1.7 A SUMMARY

In the course of half a century (1946–2000), Italy has changed dramatically and repeatedly. Like any other country, it has experienced major political, cultural, and economic movements but, in terms of child and adolescent policies, there has been a persistent and continuous thread that has guided choices and decisions. Fifty years of democracy in Italy have firmly established that institutionalization is incompatible with the fundamental values of human dignity and liberty that should accompany any educational process.

However, while the first innovative institutions based on alternative residential services and small community homes date back to the end of the forties, it was not until half a century later, in 1989, that this approach was transformed into a legal reality.

It has also been a difficult process, with the various stages linked to important cultural changes:

1. In the 1960s, the debate on economic programming, combined with the idea of social development and the need to modernize social welfare policies, underlined the indispensable need to plan a new social services system rooted in the local community.
2. Powerful political movements in the 1960s meant an upheaval in Italian society and culture. Large 'closed' institutions such as asylums and social welfare homes came under scrutiny and became the subject of specific studies. Alternative solutions were sought and created, and 'open' social services were created and actively promoted.
3. In the 1970s the Italian State began to evolve, regions were created and many administrative powers and functions were decentralized to local level. The centre of gravity for social policy shifted from centralized welfare bodies to more independent bodies – town councils acting alone or in association, within a regional programming framework. Their task was to guarantee that children and adolescents received the interventions, actions and services they needed to develop in the social context to which they belonged. The development of local policies to offer responses tailored to individuals and their varied needs, made the placing of children in residential institutions almost unnecessary in a large part of the country.
4. In recent years a long-term national policy for children was approved to encourage and promote children's policies at the local level, and to address an unequal implementation caused by traditional differences between areas and by the lack of a plan for implementation and organization of local social services. Underlying principles and common guidelines to follow were agreed upon at the national level.

1.8 ITALY IN 2000: FEWER CHILDREN IN INSTITUTIONS

Social policies over the last thirty years have transformed the situation of children and adolescents in difficulty. The number of children living in large institutions in the 1970s was enormous – over 200,000. When the National

Centre for Child and Adolescent Analysis and Documentation in Florence completed its calculations in 1998, there were only 14,945 children living in institutions. In 1958 there were over 3,000 of these institutions – 40 years later their number had fallen to 1,802. The data confirm a reassuring trend, even when doubts and uncertainties persist as to the quality of care given to children and adolescents at a delicate stage in their lives.

The National Centre also carried out a detailed survey of the children in institutional care. They represented 1.5 per thousand of Italian children, and most of them (63.3 per cent) were adolescents or pre-adolescents. The decision to place them in care is often taken by the juvenile courts. The faces of the children who passed through the doors of these institutions also changed – a reflection of the new Italy. Some 12 per cent were immigrants and 1,800 out of a total of 15,000 were foreign – an important indicator of Italian society's capacity for integration.

The reasons why the children are in care are alarming. Poverty is still the main reason why a child is removed from the family, together with difficult or inadequate family care. A high percentage (between 25 and 35 per cent) of the children break off all contact with their biological family for good. Another worrying statistic is that 20 per cent of the children in these institutions have been living there for at least three years.

Residential institutions are no longer the barrack-like places they once were. In 1958 half of them had more than fifty places, while today nearly all (96 per cent) are of very moderate size. Most have no more than ten places, and 15 per cent house no more than five children. Only 15 per cent of these residential institutions date from before 1950, and almost 60 per cent were built after 1980. Around 30 per cent of these institutions admit boys and girls of all ages; 20 per cent have their own schools; only 6 per cent have dormitories with more than five beds. In many cases, especially in the larger centres, the ratio of staff to children is less than one.

The research carried out by the National Centre for Child and Adolescent Analysis and Documentation once again clarified the directions that interventions should take to reduce the number of children sent to these institutions:

1. Interaction with the family of origin is still priority number one. The child's right to grow up in his own family has to be defended and the social services must undertake to prevent or limit the child's separation from the family.
2. Foster placement is the best way to help the child and his family when there are difficulties.
3. Last but not least come the residential communities, the last resort for children and adolescents in a crisis. These centres have to meet the educational and welfare needs of the children. The way of checking the quality of the work they do is based on the rule of the "three T"s:
    - a. *Time:* time is valuable and a child's stay in a residential institution should be kept to a minimum, through the use of individual projects for social reinsertion;
    - b. *Territory:* the residential centres should not be closed, but participate in the community and the life of the neighbourhood;
    - c. *Tutelage:* the rights of the child must be protected, inside the centres too, and their application carefully monitored.

⊞ 1.9 OPENING THE DOORS – SOME EXAMPLES OF DEINSTITUTIONALIZATION

☐ 1.9.1 The Murialdo Association, Padua

The Congregation of the Josephite Fathers, founded by Leonardo Murialdo, had a single purpose: to house poor or abandoned boys in the city of Turin towards the end of the 19th century. It's ideas were radical – helping boys by starting schools, providing qualified instruction, and by establishing farms. The Congregation even opened a 'family house' for boys who had nowhere to live. It was a small, but important, revolution in a world that shut up youngsters with no family in big orphanages.

As a result of this successful experiment, the Josephite Fathers were invited by many Italian cities to establish oratories and set up catholic associations for youths. In the university city of Padua, for example, the Congregation was asked to run a boarding facility for students from poor families. In 1970 a seemingly small event changed the life of the institution: a social worker asked the Fathers if they could take in two boys who were 'in difficulty', and a 'family group' came into being in a college structure.

In 1974 the Fathers took in five more boys. In that same year, the last big orphanage in the city was closed down and more boys needed somewhere to live. This time, however, the Fathers said no, realizing that boarding of this kind contributed to the failure of social reinsertion. But they insisted on the need for a 'family group' experiment elsewhere in the city.

With the agreement and support of the province, two apartments were rented where carefully chosen families would live and look after the boys from the old orphanage – an example of successful collaboration between a religious congregation and a lay administration. By 1978 the Murialdo Association was running fifteen apartments with fifteen 'family groups'. By the end of 1999 the number of houses and families caring for young men had risen to sixty. The educational projects are directed by the Fathers with the help of one social worker and two volunteer psychologists. There is no 'professional' educator.

In the early days, these family homes usually admitted boys who had been deinstitutionalized. Today it is quite likely that young people with a history of family difficulties or psychiatric problems will be taken in by the Murialdo families.

The scheme also offers temporary accommodation to families with serious housing problems. In addition, two workshops give the boys an opportunity to work. The new challenges facing Murialdo reflect changes in Italian society: the need for accommodation and opportunities for immigrants and the new poor, for those who are homeless and have no family support, and young people with a history of alcohol and drug addiction.

1.9.2 Martinitt Institute, Milan

As recently as the 1950s the children of the Martinitt Institute walked behind the funeral processions of important members of Milan society, dressed in uniform, to collect the money needed to keep them. On Christmas Day these same children would be invited for the day by the rich families of the economic capital of Italy. They were known as 'the Martinitt' after the orphans that St. Girolamo Miani cared for at St. Martin's Church in 1532. It was not until four centuries later, in 1932, that 'the Martinitt' left the church and moved into an orphanage. Sometimes as many as 500 children would be crammed into the halls of the building, and the loss of one parent could be reason enough to send a child to the institute. Donations, legacies and charity were the main source of funding.

In the 1960s, the validity of a large closed institute like the Martinitt began to be questioned. Ending the practice of dressing children in their uniforms was not enough to reinsert them in society. In 1968, in open opposition to the Institute's administration, the first attempt at community housing was made: seven Martinitt boys and two teachers left the orphanage to go and live in an apartment. The experiment was a success. In a matter of years the Institute emptied and more small communities were set up (there are at present seven) in normal accommodation, in ordinary neighbourhoods, where children and staff endeavour to lead a normal life.

Three teachers are in charge of each small community, aiming to create a family feeling and help the children fulfil realistic goals for their future. Younger children, aged three to 13, often need more affection than the teacher can supply, and for these children life in the small communities is generally a stage on the way to foster placement. Older children, however, (from 14 to 19 years of age) sign a proper contract with the community and are expected to respect its rules. The objective is that they become self sufficient in their everyday lives, school careers and in later life.

At the Martinitt Institute headquarters there are special services: emergency interventions (seven places, usually filled by immigration-related emergencies), the Rest Point (10 places for boys sent directly by the police or the social services) and a Day Centre (where older adolescents who have refused to move into the small communities are monitored).

The Martinitt is currently facing the need for another transformation. Immigrant children and adolescents are overwhelming the Institute's emergency services. Requests to intervene and provide support to foreign children are multiplying and the small communities are endeavouring to open up to these newcomers.

1.9.3 St. Domenico Savio Institute, Naples

In Naples, the plight of the many orphans left after World War I was hidden behind the walls of an old convent in the working class neighbourhood of St. Lorenzo-Vicaria. In 1919 the first orphans of the war entered the St. Domenico Savio Institute and, in effect, disappeared. The schools they attended were inside the Institute, they were all dressed in uniform, girls kept apart from boys, contact with the world outside kept to a minimum and rules and supervision were very strict. The Franciscan nuns who ran the Institute did so hermetically and rigidly and the Neapolitan authorities were only too pleased to hand over children who came from wretchedly poor, often desperate, families.

It took another 80 years to open the portals of St. Domenico. Only in 1993 were its mediocre schools finally closed. More recently, volunteer workers were able to undertake community-based initiatives. The number of young inmates began to decrease, but in 1993 there were still 80 boys and adolescents living permanently in St. Domenico and 40 half-boarding. The Institute managed to set up two community centres that still host between eight and 10 boys, aged from three to 12 years. Individual projects for each child have replaced the rigid and inefficient collective planning of the past. Many children are sent to volunteer families for weekends, for holidays or for the Christmas festivities. And St. Domenico has at last opened up to its local neighbourhood.

Naples city council is also determined to battle social exclusion. A social worker appointed by the town council has been helping the Franciscan Sisters in the day to day running of the Institute since 1995. The old orphanage became a general youth centre in 1998. Emergency admission services now attempt to resolve the urgent problems of immigrant and street children and a Day Centre works with 150 children facing difficulties in this poor neighbourhood.

A network of local families is St. Domenico's lifeline to the outside world. Temporary placement, even for such short periods as a lunch hour or to go out for an ice cream, is an important instance of social contact. Volunteers supervise the boys once they have left the Institute and enter everyday life. However, the Institute still faces two key challenges. On the one hand it is unable to draw up individual programmes for the boys who go to the Day Centre because of the lack technical and financial resources, and on the other, it has few legal and practical means of implementing consistent policies for children and adolescents in a city as complex as Naples.

1.9.4 The group-apartments of Emilia Romagna

Group apartments were of great importance in experimenting with alternative solutions to the institutionalization of minors in the 1970s. These experiments began in Emilia Romagna in northern Italy as a result of collaboration between researchers in the University of Bologna's Institute of Psychology, and educators from provincial and municipal social services.[36]

The first group apartments were designed to remove children from large residential institutions to a radically different experience of everyday life but, "without necessarily reproducing an impracticable family model and without any emphasis on the need either for father or mother role-models."[37]

Naturally, the educators paid close attention to atmosphere and to interpersonal rela-

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[36] Carugati, F., 'Minori: tra istituti e communità', in Maurizio, R. and M. Peirone (eds.), *Minori, communità e dintorni*, Ed. Gruppo Abele, Turin, 1984.

[37] Carugati, Emiliani, Palmonari, op. cit.,1975, p. 185.

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tions between the adults and children living in the apartments. Previous analysis by psychologists of the everyday lives of the children from closed institutions gave researchers a set of indicators onto which they could project the new alternative of cohabitation. They focused their attention on the hierarchy of relationships, on the types of communication that emerged, and on the meaning of physical and social space. Immediate conclusions could be drawn: hierarchical relationships must be dismantled, communication could no longer be 'top-down' only, and the organization of time and space within the group could not be experienced as another system of institutional control by the children who formed part of that group.

The group apartments then became real communities composed of a small number of people who all knew and communicated with each other. The adults had to guarantee the stability of the relationships: they were the children's companions in a shared history and it was they who encouraged an opening up to social life. In this way the children experienced the conditions of family life and could confront the real world outside, with all its challenges and difficulties.

There were no barriers inside the apartments – nowhere was out of bounds – and children were encouraged to feel at home. Apartments were in real urban neighbourhoods and the children were free to come and go and to get involved in local life.

The aim was to liberate children from unnatural situations of dependence – an ambitious objective offering undreamed of opportunities for freedom to children and a new possibility of integration into social life.[38]

One of the original communities is still in existence and others have been created in Modena and Bologna. The scientific point of reference continues to be Bologna University's Science and Education Department. The most important outcome of the experiment was that the group-apartments became models that influenced child policies in Emilia Romagna. They challenged traditional social welfare practices and, as a result, the region gradually transformed all its large institutions on the basis of the knowledge it acquired during that decade.

☐ 1.9.5 Innocenti Institute, Florence

This is the oldest residential children's institution in Italy and claims to be the oldest in the western world. It was the merchants of the powerful Silk Workers Guild who, in 1419, assumed responsibility for all the abandoned children in Florence. The Institute was a lay centre that introduced innovative policies to medieval Italy – policies providing social care and maintaining a link between the lives of the children and the social realities of their day.

Generations of abandoned, orphaned or illegitimate children of adolescent mothers were given a minimum level of education and, by the end of the 16th century, the children's schooling was seen as a vital part of their development. From 1868, the Institute took in illegitimate babies only and it was then that the practice of leaving illegitimate babies inside a covered 'wheel' to protect the mother's identity was abandoned. In 1930 a Day Nursery was created, well ahead of its time, to care for children in difficulty and pregnant women. Major reforms in the 1970s, with the introduction of laws on the rights of the family and standards for adoption, facilitated the opening up of the Institute and the removal of many children living there.

Today the public authorities (region, province and municipality jointly) direct the Institute, and admission of children and pregnant women is still a priority. The Institute has, however, tried to strengthen its ties with the local social surroundings and has become a national and international point of reference as a result of its social studies on children and the family.

The Innocenti Institute runs a residential care service for children up to the age of six and also two residential centres for pregnant women and mothers with children. The 'Children's House' can take up to 13 children who are in seriously vulnerable conditions at home. Abandoned newborn babies will be found

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[38] Ibid, p. 25.

Table 1: Number of educational – welfare residential centres in order of number of places (absolute values and percentages).

	No. of Centres	Per cent*
Up to 5 places	280	15.7
6 to 10 places	806	45.1
11 to 15 places	188	10.5
15 to 20 places	142	7.9
21 to 30 places	165	9.2
31 to 50 places	129	7.2
51 to 99 places	56	3.1
over 99 places	22	1.2
Total	**1.788**	**100**

*14 gave no reply to this question, equal to 0.8% of the total.

Table 2: Number of educational – welfare residential centres in order of number of children present (absolute values and percentages).

	No. of Centres	Per cent*
None at 30.06.1998	89	4.9
Up to 3 children	325	18.0
4 to 5 children	334	18.5
6 to 10 children	661	36.7
11 to 15 children	176	9.8
16 to 20 children	75	4.2
21 to 50 children	133	7.4
Over 50 children	9	0.5
Total	**1,802**	**100**

Table 3: Number of children present and places available out of total population of children per region.

	% of centres	% of places	% of children present at 30.06.1998	% of places available per 1000 residents	% of children per 1000 residents
Abruzzo	0.7	1.4	1.1	1.7	0.8
Basilicata	1.3	3.2	0.7	7.2	0.8
Prov. Bolzano	0.7	0.4	0.7	1.4	1.1
Calabria	6.7	8.4	9.3	5.2	3.0
Campania	7.4	12.3	12.5	2.5	1.3
Emilia Romagna	6.7	3.3	3.8	1.8	1.1
Friuli Venezia Giulia	1.6	2.8	1.6	5.1	1.5
Lazio	8.4	8.1	8.4	2.6	1.4
Liguria	3.8	3.3	3.7	4.8	2.7
Lombardy	16.0	9.3	12.8	1.9	1.4
Marche	1.2	0.8	0.8	1.0	0.5
Molise	0.6	0.5	0.6	2.4	1.4
Piemont	6.3	5.0	6.8	2.4	1.6
Puglia	7.1	8.2	7.9	2.6	1.3
Sardinia	2.4	1.5	1.9	1.4	0.9
Sicily	10.8	21.1	15.3	5.3	1.9
Tuscany	4.2	2.9	4.0	1.7	1.2
Prov. Trento	2.2	1.0	1.0	3.5	1.9
Umbria	0.9	1.2	1.4	2.8	1.6
Valle d'Aosta	0.1	0.1	0.1	0.8	0.6
Veneto	8.8	5.3	5.6	2.2	1.2
Italy	100	100	100	2.8	1.5
Absolute numbers	1,802	29,148	14,945		

adoptive families after a short stay. Older children stay for a little longer, and may be returned to their parents or entrusted to the care of a new family. The 'Mothers' House' is a residential centre for pregnant women and mothers with children who are in difficulty. Today, this generally means young women with a drug problem or young immigrant mothers. Lastly, the 'Swallow House', which was opened in 1996, concentrates on building up the independence and self-sufficiency of its residents.

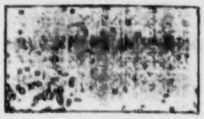
Table 4: Numbers of boys and girls in children's homes.

	Numbers	Per cent
Boys	7,995	53.5
Girls	6,950	46.5
Total	**14,945**	**100**

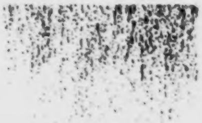
Table 5: Numbers of boys and girls in children's homes according to age (as of 30 June 1998).

Pe rcent	0-5 years	6-10 years	11-14 years	15-18 years	Total
Boys	10.3	25.9	32.5	31.3	100
Girls	11.4	26.0	30.5	32.1	100
Total	10.8	26.0	31.6	31.6	100
Numbers	1,611	3,872	4,709	4,718	14,910

* 35 gave no reply to this question, equal to 0.2% of the total.



THE PROCESS OF DEINSTITUTIONALIZATION IN SPAIN



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☐ 2.1 INTRODUCTION

In recent decades, Spain has made significant progress on the issue of deinstitutionalization of children. This has been the result of a lengthy process of social, political and legislative change that began in the 19th century – a process that gradually led to a change in social perceptions of children's needs and identities. Society has only recently 'discovered' childhood as a distinct reality; historically, policies relating to children focused on protecting abandoned children and 'correcting' childhood behaviour seen as troublesome.

During the 20th century basic changes occurred in the emphasis of child-related public policy. These changes concerned both the socio-economic environment surrounding the child and the political context within which the State worked.

Spain was one of many countries to experience profound socio-economic upheaval in the 19th century. People began to abandon the countryside and urban society expanded, alongside economic changes that led first to industrialization and then to the post-industrial or service economies of today.

Political initiative responded to these changes by adapting aims and methods. Economic modernization was accompanied by a move towards democracy and respect for social and individual rights. Social conflict and the expansion of welfare-state policies led to a general improvement in living standards and wider access to education and culture for society as a whole and the poor in particular.

These historical changes in the social perception of childhood and child-related policies represent a basic component in the general progress of society. With the development of societies that value individual human rights, adults have assumed greater participation in economic and social activities. Families have become smaller, individuals have more economic independence and there is a new willingness to accept the dynamics of change, progress and new values.

Measures to protect children against abuse, ill-treatment and exploitation followed in the wake of measures to prevent cruelty against animals[1] and were, in fact, often modelled on these.

The introduction of changes concerning the criminal responsibility of children and the establishment of specialized institutions to reform juvenile offenders occurred towards the end of the 19th century and was promoted by the ***Movimiento de Salvadores de los Niños***.

The first childrens' rights to be recognized in Spain in the 19th century, were *social* rights relating to education, work and protection. Their civil and political rights had to wait for two key events during the second half of the 20th century: the recognition of the 1978 Spanish Constitution and the 1989 Convention on the Rights of the Child (CRC).

The 1989 Convention had its roots in earlier international declarations. Throughout the 20th Century, efforts had been made to improve the rights and situation of children. The Geneva Declaration of the Rights of the Child of 1924 and the UN Declaration of the same name in 1959 were clear forerunners of the Convention. There were, however, two significant changes compared with the earlier instruments:

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[1] Therborn, G., in L. Moreno, 1993.

a) Children began to be considered subjects endowed with rights rather than 'objects' of protection.

b) The Convention was ratified by 190 countries and thus its guarantees and principles are embodied within the statutes and laws of all these countries, bringing about active measures to improve the conditions of children, not only in developed countries, but also in many developing countries, at times with the support of international aid.

In order to promote awareness, UNICEF proposed a slogan summarizing the content of the rights recognized to children in three concepts: ***provision, protection and participation***.

- ***Provision***: meaning the right to own, receive or enjoy access to certain resources and services and that these resources be made available to all children and adults.
- ***Protection***: meaning the right to receive parental and professional care, the right to be protected against certain individual and social acts, practices and forms of childhood abuse.
- ***Participation***: meaning the right to act, express oneself and have a say both individually and collectively.[2]

The articles of the Convention referring to ***protection*** can be divided into two parts:

1. Protection against the violation of children's rights on the part of parents, relatives, guardians or other adults entrusted with their well-being.
2. Protection against the violation of rights on the part of providers of social care external to the family, such as alternative institutions or even the state itself.

Social welfare can also be gauged on the basis of the most important changes that occurred in social relations. The industrial revolution meant changes within family structures. Women took on new roles, moving away from production within the household economy to production for an employer beyond the home. Children, meanwhile, were shifted away from work for the family and towards education to be trained as future employees. This weakened their dependency on their families and strengthened their links to state authority. According to Wintersberger[3] the process which started with the Industrial Revolution can be summarized in four stages in terms of its impact on the lives of children:

1. From agriculture to early capitalism: children move from domestic work to factory work.
2. The Early Industrial Revolution: children move from factories to basic schooling.
3. Establishment of the new Welfare State: children's years at school increase as does their economic dependency.
4. Consolidated Welfare State: family and society have complementary roles in childhood care and the state acts as spokesperson and implementer of social goals, placing obligations on families, protecting them and intervening only in exceptional circumstances.

Thus children become holders of rights and the relationship between them and adults is placed on a more equal footing. A process of mutual recognition of identities is established and, although beneficial, it also generates new conflicts that require new solutions beyond the sphere of traditional paternalism.

The change in society's perception of childhood was obviously influenced by psychologists, physicians, educators and representatives of the human and social sciences. They emphasized the need to consider children's personalities, as well as their needs and specific problems, when formulating adult interaction with children, organizing educational activities and creating the conditions for balanced and healthy child development.

Population trends are also significant in terms of child policies. In Spain, as in other industrialized countries, the age pyramid is shrinking at its base and expanding at the top. In 1981, there were almost 9.7 million people under the age of 15 in Spain, accounting for 21.4 per cent of the population. By 1998, this figure had tumbled to just over 6 million, representing just 16 per cent of the total population. The age structure of the population in Spain had been turned upside-down in the space of twenty years. Currently, there are just over 8.2 million people aged 18 or under – 20.5 per cent of the population. The relative and absolute decline in the number of children in Spain continues, however, as life expectancy is still increasing and the average number of children per woman in Spain is, at 1.07 in 1999, the lowest in Europe.

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[2] Bardy,1993.

[3] Wintersberger, H. in Qvortrup et al., 1994.

2.2 LEGAL PROTECTION OF CHILDREN UNDER SPANISH LAW

The protection of the rights of children in Spain must be placed in its legal and institutional contexts.

The 1978 Spanish Constitution requires public authorities to protect the family in the social, economic and legal spheres, with special regard for children, as indicated in article 39.[4]

Spain is a social democracy under the rule of law. Institutionally it is a parliamentary monarchy. The Constitution recognizes and guarantees the right of the localities and regions of Spain to enjoy autonomy. This has led to the establishment of 17 Autonomous Communities.[5]

As a result of this system, there are a number of areas where responsibility is shared between the Spanish government and the various Autonomous Communities, there being three different possibilities in conformity with articles 148 and 149: areas of exclusive State responsibility, areas of exclusive responsibility of the Autonomous Communities and areas of shared responsibilities. The Autonomous Communities enjoy full independence in managing their own interests and have exclusive responsibility for social welfare, which includes child protection.

SPANISH POPULATION FROM AGE 0 TO 18
(In thousands)*

AGE	MALE	FEMALE	TOTAL
0-3	640.2	631.3	1271.5
4-6	607.5	572.3	1179.8
7-9	637.4	579.4	1216.8
10-14	1223.8	1154.6	2378.4
15-16	529.9	504.1	1034.0
17-18	584.0	556.2	1140.2
Total	4222.8	3997.9	8220.7

(*) Based on I.N.E. projections and E.P.A. estimates, 4th quarter 1998

In the area of legal protection of children, State laws are mindful of this distribution of responsibilities and only deal with aspects connected with civil, procedural and criminal law and the aspects of judicial administration over which they have been attributed power by the Spanish Constitution.

Criminal Law: the 1995 Criminal Code defined offences and misdemeanours, responsibilities and penalties for offences and established that a person is an adult for the purposes of criminal liability at the age of eighteen. A recent Constitutional Law, no. 5/2000, has explicitly dealt with the issue of criminal responsibility of minors between the ages of 14 and 18 – or where appropriate twenty-one – and extended the guarantees available to them.[6]

Civil Law: in the context of care of children outside their family, this is the most important sphere. Foster placement of children has increased substantially, particularly in recent years, and has become one of the major alternatives to large-scale institutions.

Generally, provisions governing the legal protection of children are to be found in the Civil Code and in the constitutional law on the Legal Protection of Children.[7] In addition, the Law of Civil Procedure contains provisions for foster placement where this requires a decision on the part of a judge.

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[4] See section 2.4: The Creation of a Child Protection System.

[5] The following are Autonomous Communities: Andalusia, Aragon, Asturias, Balearic Islands, Canaries, Cantabria, Castile-La Mancha, Castilla y León, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarre, La Rioja, Valencia and the Basque Country.

[6] This law entered into force on 13 January 2001.

[7] Constitutional Law 1/1996, dated 15 January, on the Legal Protection of Children, partially amending the Civil Code and the Law of Civil Procedure.

Historically, it is the Civil Code that has provided the basis for the child protection system and this has been amended on many occasions.

The first law that made provision for alternative measures to institutionalization was Law 21/87, passed in 1987. This replaced several articles of the Civil Code and the Law of Civil Procedure concerning adoption and other forms of protection. The concept of abandonment was replaced by that of *desamparo* or lack of protection; it introduced adoption as a measure for full family integration; established foster placement as a new child-protection measure; made the best interests of the child the general guiding principle in all child-related actions; and provided a greater range of options for the office of the Public Prosecutor when dealing with minors.

Following the ratification of the CRC in 1989, Spain was compelled to bring domestic law into line with international law to provide an adequate framework for the legal protection of children.

The result was Law 1/96, the new constitutional Law on Legal Protection of Children.[8] This entailed further changes to the provisions of the Civil Code relating to foster placement and alternative measures to institutionalization and established the needs of children as the basis for protection. The major new developments were:

- Distinction between situations of risk and situations of a lack of protection;
- Establishment of the principle that all administrative and judicial procedures should be flexible and speedy;
- Acknowledgement of the right of the relevant public authority to place children in temporary foster care if this would be in their best interests;
- Measures to make foster placement more flexible and to adapt the framework of relations between foster parents and children facilitating the stability of placement;
- Changes in adoption procedures with a new requirement that adoptive parents be suitable;
- Changes in the area of juvenile custody;
- Measures to address the institutionalization of children in psychiatric units.

The Law on Legal Protection of Children recognizes a number of basic children's rights[9] (privacy, information, freedom of thought, participation, association and assembly, freedom of expression and the right to be heard). It also establishes the actions to be taken when a child is deprived of social protection (protective measures, immediate care, action in situations of risk or lack of protection), as well as the instruments available (custody of children, foster care, specialized services, guardianship and adoption).

This legislation[10] also fits into the institutional context created in each of the Autonomous Communities. For example, the Community of Madrid describes in its Statute the protection and care of children and the development of policies concerning youth, as an exclusive responsibility of the Community itself.[11]

The Community of Madrid also adopted a Law on Guarantees for Rights of Children and Adolescents in 1995 which establishes a general regulatory framework providing a set of guarantees for the enjoyment of rights on the part of children.

Section IV of the Statute lists the public authorities responsible for child protection within the Community of Madrid. This provides an example of the public authorities now operating at the regional level in Spain for child protection:

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[8] See Section 2.5.4 here: The Law on Legal Protection of Children.

[9] See section 2.4.1 here.

[10] The articles providing protection to children may be summarized as follows: in the Civil Code protection is covered in articles 172-174 under the heading "custody and foster placement of children", articles 175-180 on adoption and article 211 referring to "internment on account of incompetence"; the Law of Civil Procedure under articles 1825 to 1828 deals with the foster placement of children when a judicial decision is required. Lastly, the Law on Legal Protection of Children, Part I, deals with the "rights of minors" and in Part II with "measures to be taken in situations where children lack social protection, and instruments for the protection of children."

[11] Art. 26 of Constitutional Law 3/1983, 25 February, by which the Statute of Autonomy of the Community of Madrid was approved.

- The *Children's Defender or Ombudsman* (Defensor de Menores) is responsible for safeguarding children's rights in the community by receiving their reports and complaints, overseeing the enforcement of the laws and undertaking the tasks of providing information and guidance;
- The *Madrid Institute for Child Care* (Instituto Madrileño de Atención a la Infancia), supervised by the Regional Ministry for Social Integration, and entrusted with promotion, coordination and granting of resources in favour of children;
- The *Commission for the Protection of Children* (La Comisión de Tutela del Menor) implements the functions of the Civil Code on behalf of the Community of Madrid. These include responsibility for guardianship of unprotected children, providing temporary custody for children at the request of parents or guardians, initiating procedures for assuming guardianship of children and ensuring inter-administrative cooperation;
- *Local Corporations* (Corporaciones Locales) oversee the well-being of children and adolescents by promoting the development of children, guaranteeing that they are able to exercise their rights, protecting them adequately and providing preventive measures;
- *Coordinating Units for Child and Youth Care* (Coordinadoras de Atención a la Infancia y la Adolescencia) coordinate the various public service networks that have an impact on the quality of life of children and adolescents within the Community of Madrid.

2.3 CHILD CARE POLICIES IN SPAIN

Child care policies, which stem from Law 21/87 and are defined in Constitutional Law 1/96 on the Legal Protection of Children and the various Autonomous Laws and Child Care Plans produced by the Spanish Autonomous Communities have, in recent years, given priority to the reorganization of residential homes. These are now founded on the new needs of children and an increase in economic benefits to families.

This new organization of 'children's centres' responds to a new political and social situation, which has led to welfare resources having greater local coverage and better outreach to problem areas.

The essence of child protection is to remove situations or problems that may hamper a child's balanced and positive growth. Children should not be exposed to unnecessary suffering or be subject to harmful practices. At the same time, protection should also compensate for deficiencies and provide affection and support, embracing all aspects of the child's well-being. It cannot, however, be provided indefinitely and must not jeopardize the autonomy of the individual but should contribute to strengthening – rather than weakening – the child's capabilities.[12]

Following the transfer of responsibility[13] for child protection from central government to the Autonomous Communities in the 1980s, these Communities developed deinstitutionalization policies and emphasized the coordination of community-based social and educational services. They also sought to improve the quality of care provided inside residential centres for children who had been abandoned or subjected to abuse and established new procedures for placement in care centres that would better respond to the needs of the child.[14]

A second stage has included measures to build awareness among various social agents on how to prevent and deal with risks relating to children. This, in turn, led to a need to reinforce and reorganize resources. Specific laws providing for non-residential forms of care and foster care were made by all Communities.[15]

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12 Funes, 1999.

13 This transfer of responsibility first took place through the Autonomous Statutes of each Autonomous Community and later, starting in the mid-80s, by means of Royal Decrees, which transferred central government functions and services to Autonomous Communities.

14 Casas, 1993, p. 227.

15 These provisions (most of which were laws, though they also include some decrees) were enacted in the following years: Andalusia in 1998, Aragón in 1989, Asturias in 1995, Balearic Islands in 1995, Canary Islands in 1997, Cantabria in 1992, Castilla-La Mancha in 1995, Castilla y León in 1988, Catalonia in 1985, Extremadura in 1994, Galicia in 1997, Madrid in 1995, Murcia in 1995, Navarre in 1986, La Rioja in 1998, Valencia in 1994 and the Basque Country in 1983.

However, these developments did not abolish a number of specialized residential institutions that provide shelter and support for children who are unable to be cared for by their families, and those admitted for reasons of poor health, mental disability, behavioural disorders, or substance addiction. In such cases children are provided with specialized care in addition to maintenance, protection, education and socialization.

New non-residential resources, including Day Centres, have been established alongside these residential institutions. The Day Centres are a preventive social resource for children in general, and those aged 6 to 18 with severe social problems, in particular. The Centres organize social activities for children in their leisure time and provide educational support through school tutoring and cultural activities, with family participation strongly encouraged.

The Youth Social and Employment Integration Centres (Centros de inserción sociolaboral para jóvenes) are another alternative to residential institutions. These are day centres for children aged 14 to 18 who have difficulties in adapting to school, society or their family environments. The Centres aim to help these young people become full members of society and find employment by providing them with training activities that are geared to meet their specific circumstances.

In addition, alternative forms of family care, such as adoption and foster placement, have been developed over the last decade. Spanish law considers adoption as a means to protect children and of providing them with a family environment.

Law1/96 on the Legal Protection of Minors introduced the requirement that the adoptive parents be suitable for the child and that the adoption be approved by the public authorities.

Under Spanish law foster care is now recognized as a valid means of protecting children and ensuring their integration within a family environment. Foster placement (*acogimiento familiar*) first appeared in Spanish legislation in 1987,[16] providing an opportunity for children to live in families that assume full responsibility for their upbringing. The concept of the best interests of the child, underlying this legislation, requires social services to be meticulous in their selection and preparation of potential foster families, and rigorous in their application of laws relating to the children concerned.

Various types of foster care are available to provide flexibility in responses to children's needs, as follows:[17]

1. *Simple foster placement*, of a temporary nature because the child is expected to return to the biological family, or as an interim measure until a permanent solution is found;
2. *Permanent foster placement*, which occurs when required due to the age or particular circumstances of the child and family, and when requested by the relevant public authority. In this case, public authorities[18] can ask a judge to give foster parents the powers they need to undertake their responsibilities to the full, always in accordance with the best interests of the child;
3. *Pre-adoptive foster placement* – the relevant public authority endorses a proposed adoption before a judge, provided that the foster parents meet the required conditions, have been selected and have consented, and that the child is suitable and ready for adoption. The public authority can also decide on this form of foster placement when it considers that the child needs time to adapt to the family before the proposal for adoption is presented. This period should be as short as possible and never last more than one year;
4. *Open foster placements*, or weekend or holiday foster placements, where children live

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[16] Some authors distinguish between the *acogimiento familiar* in art. 172 of the Civil Code (referring to guardianship, which can be exercised by means of foster or residential placement) and the *acogimiento familiar* in art. 173 (which covers foster care as an autonomous entity). See Pantoja García, 1997, pp.51-65. This distinction, while correct, has no significance for the purposes of this review as the issue is to establish whether deinstitutionalization of children has occurred and the legal distinctions of terminology are not relevant. Any future reference to foster care (or *acogimiento familiar*) will be made in general terms, without consideration of fine legal distinctions.

[17] As specified in Art. 173 bis of the Civil Code

[18] According to the First Supplementary Provision of 21/87 public authorities are defined as bodies of central government, the Autonomous Communities or the Local Authorities which are entrusted by law with the protection of children in their geographical area of responsibility.

with their alternative family during their holidays.

The activities of the Child Care Network are supplemented by subsidies to and agreements with social and private organizations and are also sustained by a number of mechanisms for inter-institutional coordination. Social Services departments support joint projects relating to natural environments for children such as families, neighbourhoods, schools and villages.

2.4 THE CREATION OF A CHILD PROTECTION SYSTEM

2.4.1 Background

Some historical background will place the origins of the Spanish system of protection in context and allow us to understand the present provision of welfare.

The system in itself is quite recent, having being established in the late 19th century and early 20th century. The flurry of child protection activity in the United States at the end of the 19th century was the inspiration for similar activity in Spain. This created a conglomeration of child-related welfare and administrative bodies dealing with a range of situations, including new issues resulting from social change.

One of the earliest social measures on behalf of children in Spain was the 1873 Law on Child Labour and Education. This prohibited the employment of children under 10 years of age in industry and set limits to the working hours of those aged 15 to 17. In addition, three hours of daily school attendance became compulsory for children aged 9 to 14. However, while the Law was passed without any opposition, it was not respected.[19]

Child labour was cheap for employers and a much-needed source of income for poor families. Paternalistic and spurious excuses were used to justify the employment of children, such as the assertion that work itself was educational, and that education would limit a child's prospects and the authority of the child's father.[20]

In 1880, the Movement for the Defence and Protection of Children (*Movimiento para la defensa y salvaguarda de los niños*) emerged – a movement similar to those in Italy and the United States – charitable in nature and mainly concerned with the plight of children who were abandoned, institutionalized or imprisoned.

This movement, which also included the *Patronato de Nuestra Señora de las Mercedes* and the *Escuela de Reforma Toribio Durán*, was particularly strong in Catalonia and the Basque Country, the most industrialized parts of Spain – and aimed to highlight the most grievous situations afflicting children. However, the underlying social causes went unchallenged and the movement's emphasis on the re-education and reform of children assumed that their problems stemmed from the moral failings of their families, or the children themselves. Even so, its medical and educational approach was preferable to the stark remedy of institutionalization that was so common at the time.

The Movement for the Defence and Protection of Children paved the way for the 1918 Law on Children's Courts, and the first three courts were created in Bilbao, Tarragona and Barcelona in 1920 and 1921.

The 1920s dictatorship of Primo de Rivera extended the scope of charity, while the welfare sector took responsibility for the health and education of special groups. However, the new structure of the Ministry of the Interior maintained the High Council for Protection of Children and Suppression of Begging, alongside a Royal Council for Health and the High Commission of Police. Some new measures had an indirect effect on the improvement of living conditions for children by providing protection to working women.

Under the Second Republic of 1931 a number of changes promoted the concept of social security, rather than charity. The most important measures affecting children included the expansion of state schools, with 7,000 new schools, changes in family law, the introduction of divorce, and a new focus on child nutrition, with the establishment of school canteens as well as children's sanitary dispensaries. The Republic attempted to provide school facilities in what was the greatest financial effort of its kind in Europe at that time. Public education, welfare relief and protection for mothers were the three main thrusts in child-related public sector policy in this period.

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[19] López Keller, 1990.

[20] Gaitán, 1999, p. 138.

After the 1936-1939 Spanish Civil War, the new political regime referred to social justice and public service in its declarations, and established interventionist and regulatory practices that were not dissimilar to those of a welfare state. The main targets for services were the working classes, and the problems were those related to their working conditions. However, children were excluded from the social insurance system and were made part of the charity system.

The Franco regime maintained the 19th Century Charity Law, entrusting its enforcement to municipal and provincial authorities backed up by other institutions established by the regime. These included the *Obra de Auxilio Social*, and at a later date, a series of councils, foundations and commissions that were sustained through special funding. The trend that emerged was for greater administrative centralization and a gradual increase in the State's involvement.

From the 1940s until the mid-1970s, while other industrialized countries consolidated and expanded social measures, Spain experienced a condition that Rodriguez Cabrero[21] termed the "authoritarian welfare state".

Child protection was entrusted to a number of institutions. The *Diputaciones* dealt with foundlings and arranged their adoption. The *Obra de Protección a Menores* provided paediatric dispensaries, shelters for children under three, food, education and care centres for children aged 3-16, and implemented 'police custody' as a result of its links with the Ministry of Justice. The Ministry was responsible for Juvenile Courts (*Tribunales Tutelares de Menores*) and Boards (*Juntas*). There were also some establishments under the authority of the General Directorate for Charities.[22] The *Obra de Auxilio Social*, established during the war to provide basic emergency services in the post-war years, expanded its activity to abandoned children.[23]

The beginnings of a system of child protection coincided with the emergence and growth of a new and different type of childhood in Spain, based on the affluent, urban household. This also included the promotion of education for women, essentially in their roles as mothers and wives, and the diffusion of information on child-rearing and hygiene[24] intended to protect children's health. It also included the extension of compulsory schooling and the appearance of so-called "new education", using the active method of teaching in schools.[25]

Between 1975 and 1980, social rights were affirmed in the Spanish Constitution and social welfare became a strategic component in legitimizing the new democratic political system. The laws drafted in the 1980s made Spain one of the most advanced countries in the area of protection of children's rights.

The social policy outlined in the 1978 constitution included the protection of families and children, redistribution of income, access to vocational training, social security, health care, access to culture, care for people with disabilities and for senior citizens, consumer protection and the right to an adequate quality of life and to housing. These were welfare measures that the authorities were obliged to provide for its citizens.

The Constitution recognized a number of other individual rights, such as equality for all before the law, the rejection of some forms of discrimination, the legal equality of partners in marriage and the possibility of marriage being dissolved. Recognition of these rights led to reform of the existing Family Law and had an impact on the legal and social status of children and the options available to them in later life.

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[21] Rodríguez Cabrero, 1995.

[22] During the Franco period the General Directorate for Charities (*Dirección General de Beneficencia*) was a central civil service body within the Ministry. It covered the foundations, authorities, establishments and other charitable institutions and the government services related to them.

[23] García Padilla, 1990.

[24] With the official recognition of paediatrics as a medical specialization and the dissemination of its principles through family child care and the establishment of child psychiatry.

[25] Melendro, 1998, p. 62.

The new concept of the family that began to take shape with the 1978 Constitution was based on a new understanding of marriage, in which husband, wife and children were equal. Parent-child relations also changed and parental authority was expected to be exercised by both parents for the benefit of the child.[26] The idea of parental *authority* thus disappeared and was replaced by *rights and duties* of parents who had to ensure the education of their children.

With the new law on adoption and other protective measures in 1987, social and legal protection of children underwent a further major change. This law considered adoption as a means of integrating the child within a family environment, with full legal implications. It also introduced the notion of foster placement into Spanish law for the first time ever as an alternative form of protection to institutionalization and a separate measure from adoption. The law defined the concept of "*desamparo*" (lack of protection) of the child (as a result of the parents' failure or inability to perform their protective obligations, or the inadequacy of parental performance of their obligations) which is the only case that triggers custody on the part of the "relevant public authority in the area concerned".

The law brought about a major change in the way in which public authorities exercised their protection over children, with a move away from the idea of charity in favour of abandoned children and towards the idea of professionally-based measures being taken in accordance with the understanding that children were individuals endowed with rights and whose best interests were to be the overriding consideration in all situations.

Protection was *de-judicialized* so that these public authorities were now required to provide immediate protection to unprotected children. Protection was *deinstitutionalized*. Existing residential institutions were opened up, their children were sent to local schools and took part in local activities just like other children. The role of social services was expanded, both in detecting a lack of protection and in taking immediate action. There were community, group and individual measures to achieve the best possible integration for children, either with their own families or alternative families, and, only if absolutely necessary, in some kind of residential institution.[27]

It is generally considered that with the enactment of the laws drafted during the 1980s Spain became one of the most advanced countries in the area of protection of children's rights. And yet a further shift towards the recognition of children's rights took place in January 1996 with the Law on Legal Protection of Children, establishing a general protective framework that applied not only to public bodies, child care institutions or parents and relatives, but to society as a whole. Society itself was obliged to help any child at risk or without protection, and to report this situation to the relevant authorities.

This law recognized the importance of preventive measures. It also explicitly recognized a series of child rights that could be called 'personal' or 'citizenship' rights, such as the rights to respect, privacy, freedom of expression and the right to be heard, both within the family and as part of any procedure relevant to them.

These are all rights included in the UN Convention on the Rights of the Child which had been endorsed by Spain and which operate as legal instruments establishing a set of limitations on certain activities affecting children on the part of adults. Various Autonomous Communities, within their own sphere of responsibility, have also enacted laws, perhaps of a more regulatory nature, aimed at providing substantial protection for all these rights.[28]

Progress took place more slowly and hesitantly in the area of criminal responsibility. It was only in 1994 that judicial measures applicable to children were clearly defined. Today, educational measures take precedence over the punitive responses of the past and the aim is to help offenders change their conduct and make good the damage done. More far-reaching changes were introduced by the new Constitutional Law 5/2000, which governs the criminal responsibility of minors.

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[26] Alberdi, 1995.

[27] Gaitan, 1999, p.147.

[28] Ibid. p.148.

In conclusion, it can be seen that while the general process in the evolution of child protection in Spain has been similar to that in neighbouring western countries, there were considerable differences in the timing of the process. Spain at first lagged behind other countries after the initial establishment of the protection system, but the changes implemented in the 1980s brought the country into line with current practices and thinking.

☐ 2.4.2. Development of protection measures

The organization of care underwent no significant change in Spain until the 1970s, when, with increasing urbanization and industrialization, the system was modified in response to changes in both the population receiving assistance[29] and in the relevant institutions and agents.

The greatest contribution to child rights in Spain during this period was probably the 1978 Constitution. This laid the foundations of the legal framework for the protection of children and the defence of their rights. The adoption of the Constitution set in motion the process of formulating modern child law within the Spanish legal system.

The new laws regarding children were strengthened both by the adoption of the domestic law as part of the constitution and by Spain becoming a signatory in the international system affirming human rights. Spain ratified a significant number of international bi- and multi-lateral Conventions thus becoming a part of the general convention-based system of international private law from which it had been excluded for some time.

The most important article of the Constitution in terms of child and family protection is article 39.[30] Recognition of, defence and compliance with article 39 became a basic principle of statute law, judicial practice and public authorities, and can be invoked in courts of law in relevant cases.

Article 39 states that:

1. Public authorities shall ensure the social, economic and legal protection of the family.
2. Public authorities shall ensure full protection of children, who will be equal before the law, irrespective of their parentage, and of mothers, whatever their marital status. The law shall provide for the investigation of paternity.
3. Parents must provide their children, whether born within or outside wedlock, with assistance of every kind while they are under age and in all circumstances in which the law is applicable.
4. Children shall enjoy the protection provided for in the international agreements that safeguard their rights.

Article 39 of the Spanish Constitution applies 'protection' to both children and families, implicitly placing children within a family context, and is a basic guiding principle for specific legislation and social policy. Finally, it means that children are considered to be a full and equal part of the family, an integral part of a social group within which they receive education and protection.

Article 39 also establishes a hierarchy in the sphere of protection, starting with the parents followed by the public authorities.

It should also be noted that family protection is linked to the equality of children, independently of their parentage, thus including families that are not joined by marriage.

Article 14 of the Spanish Constitution establishes the notion of non-discrimination – one of the basic elements of child law. It states that:

"*Spanish nationals are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance.*"

Finally, in analyzing the significance of the Spanish Constitution in child law, reference should be made to the powers of the Autonomous Communities to assume authority in the area of social welfare, while civil law remains exclusively the responsibility of Central Government.[31]

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[29] This change was brought about through Constitutional Law 1/96 which, based on the principle of comprehensive protection, extends protection to all children in any legal situation and not just to minors in an "irregular situation".

[30] This opens Chapter III of the Governing Principles of Economic and Social Policy of Part I: Fundamental Rights and Duties.

If we examine the specific provisions of the Civil Code under the section 'System of Legal Protection', in particular the aspects which refer to the protection of the rights of children who lack a family environment, it is clear that this protection stems from Family Law as a part of Civil Law.

Until Law 1/96, the main element in the legal framework for the social protection of children was provided not by the Civil Code but by laws on the protection of children that dated back to 1948. These continued to be valid for at least ten years after the adoption of the Spanish Constitution, despite the obviously incompatible nature of the two standards. While the 1948 provisions for child protection were repealed by Law 21/87, this did not solve the problem. Law 21/87 was not a protective law, even though it contained measures applicable to the protection of children in ***unprotected situations***. Until Law 1/96 officially repealed all prior legislation, Spain had no general system of child protection.

The Civil Code is in line with all international laws and constitutional provisions concerning the child's right to be part of a family, the fundamental underlying principle being that of maintaining the child in the biological family.

The key concept in this protective system is that parental authority, which is the central reference point of the civil protection system, is recognized by the law as being the fullest and most complete means of control. The priority given to parental protection is based on the belief that the parent-child relationship and the family environment are the most positive settings for the child's development. Parental authority is no longer considered as a 'power', but rather as a 'function'.

The reform of parental authority by means of Law 11/81 of 13 May 1981 not only established that authority rested with both parents, but emphasized the guardianship implicit in that authority as established in Article 154 of the Civil Code. This states that parental authority:

"***Shall always be exercised for the benefit of children in accordance with their personalities.***"

Parental authority is now seen as the performance of the obligations connected with:

- *Personal assistance*: looking after one's children, keeping them in the family environment, feeding them, educating them and providing them with a rounded upbringing;
- *Economic assistance*: securing the necessary funds for sustenance, housing, clothing, medical care and schooling;
- *Legal assistance*: their legal representation and the administration of their property.

Under the Civil Code, the father or mother of a child may be stripped of their parental authority if a judge decides that they have failed to carry out their obligations to their children. Parental authority will also be suspended when the child has been declared to be without protection, and when his or her guardianship has been taken over by a public body responsible for children without protection. In this case, parental authority will be suspended as long as administrative guardianship of the child continues.

2.5 SITUATION AND TRENDS IN CHILD PROTECTION

2.5.1. Consolidation of the child-protection system

The political changes that occurred in Spain in the late 1970s had taken place much earlier in those European countries that had started to construct welfare states immediately after World War II and had developed community-based protective systems as early as the 1960s. This process had effects on the gradual transformation of child care, with its increasing professionalization, changes in residential services, and, beginning in the 1960s, the development of community services and the diversification of protective systems.

In the 1980s, Spain experienced a surge in 'new professions', such as educators, psychologists, social workers and sociologists. This was also the decade in which powers began to be transferred to the Autonomous Communities.

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[31] See Section 2.2 here. Legal Protection of Children under Spanish Law.

Responsibility for child protection was unified for the first time, rather than being split among several bodies, some welfare or charity-orientated and some more judicial in nature. Many of these bodies had survived into the 1980s without major alteration and, in general, they had remained amazingly untouched by the changes affecting society. Even the changes introduced by the most forward-looking were geared to generating greater material resources and tapping the skills of technical experts. Ironically, these technical experts were often the very people who began to question the system.

The social changes preceding and following Spain's transition to democracy meant that this situation had to change. Society itself demanded modernization.

With the growth of the welfare state model, emphasis was placed on the principles of prevention, globality, participation or return to society and the professionalization of social practitioners was encouraged.

The changes affected not only values and normative systems but also services, and had a number of far-reaching effects, some of the most significant being:

- The democratic system that has characterized Spain's cultural and political life since the adoption of the Constitution in 1978 has led to greater social awareness of, and greater respect for, groups that have traditionally been relegated to the sidelines of society.
- This new framework of relations has changed the social image and vision of childhood within society.
- There is now greater knowledge about the needs of children and their rights within society, and this has lead to the establishment of networks focusing on children and a general movement of solidarity with children.
- There has been a major upheaval in the professional sectors that have had most contact with children: teachers, health-care workers, educators, social workers and so on. Not only has there been an increase in the number of professionals and areas of specialization, but training and operational procedures have also been improved.
- Finally, the creation of a social services system within a welfare state framework, the framing of new laws relating to children and the decentralization of services have led to substantial changes for the better in the way social work is carried out in favour of vulnerable children.

These developments have led to further changes in the protective system for children, including:

- The development of residential models to replace large-scale homes, such as 'functional homes', 'mini-residences' and 'family houses' as alternatives to in-family care.
- Family support: through grants for preschooling, school canteen vouchers, economic benefits to keep children with their families, and the creation of open services such as leisure activities, courses, informal education and home assistance, all of which bolster the normal development of children in their own environment.
- The creation and promotion of alternatives to children's biological families, such as fostering and adoption.
- The progressive replacement of volunteer work by professional social agents, and the emergence of new professions and specializations in social work and care for unprotected children: social psychologists and educators, family therapists, child- and family-lawyers, children's police officers, home support workers, with the establishment of continuing training and diffusion of information.

The growing recognition of such fundamental principles in Spain has had a major impact on the general outlook of the child protection system. This now recognizes and prioritizes the right of children and adolescents to protection within their family and social environment – first with their parents or, if that is not possible, with their extended families. The temporary or permanent separation of children from their original environment is seen as an extreme measure of last resort.

The family remains the most natural and important setting for child development. Its strengths, and its failings, are the formative influence on any child. Social policies for children must therefore aim to prevent, reduce or compensate for a family's possible deficiencies by providing care and support while strengthening or developing its positive capabilities and potential.

Implicitly, recognition has also been afforded to another right which was not previously a priority for the system of protection: the right that parents of children and adolescents be offered "support and guidance" by institutions and when they are separated from their families they should be able to return to them as soon as possible.

The redefinition and extension of the protective system was reflected in various ways, ranging from the proliferation of studies and investigations of 'marginalized', 'maltreated' or 'maladjusted' children to the creation of special technical and professional groups operating in this area and the continuing appearance of new, increasingly complex regulations.

A protective system has been created that combines legal, social, educational and psychosocial aspects with the decision-making bodies, resources, practitioners and models that are activated when caring for unprotected children.

The de-judicialization of protective procedures achieved by attributing powers to administrative bodies and decentralizing care through the establishment of decision-making bodies overseeing their own protection system in each of the Autonomous Communities are two of the most important changes brought about by the entry into force of Law 21/87. Following this, each Autonomous Community developed its own child protection system, and the Autonomous Community of Catalonia actually adopted its own child protection law[32] in 1995, a year before the national law on Legal Protection of Children was passed.

The 1990s was a period of consolidation and implementation, based on a multi-disciplinary approach that pooled specialist knowledge from an increasingly well-trained set of professionals. The decade was characterized by the establishment of two major approaches to child policy:

- A major drive to produce new laws;
- The development of Action Plans.

2.5.2 Deinstitutionalization programmes

Until the 70's child-care institutions in Spain, as previously mentioned, remained reluctant to adopt the new approaches to children's rights already underway in neighbouring countries.

Riveted to a charity outlook and detached from social reality, 'total institutions' remained the response to lack of protection in the family.

The process of deinstitutionalization had to combat the idea that such institutions were a valid response to the problems of unprotected children. It had also to facilitate the development and inclusion of these children within society. Such a process implies not only the closure of these institutions and the application of alternatives but, above all, preventive measures targeted at the family.

Any deinstitutionalization process implies on the one hand the application of alternative protective measures and on the other the transformation of the institutions into educational centres.

In terms of alternative measures to institutionalization in large residential homes, a major breakthrough came in 1987 with Law 21/87. This amended several pieces of legislation concerning adoption and other forms of protection. It replaced the concept of abandonment with the new concept of '*desamparo*' or lack of protection – a crucial distinction. It introduced adoption as a measure for full family integration; established foster placement as a new child protection measure; made the best interests of the child the general guiding principle in all child-related actions; and extended the options of the Public Prosecutor's Office when dealing with minors.

Before being replaced by the concept of 'lack of protection', that of 'abandonment' had changed slightly.[33] The 1889 Civil Code had given no clear definition of abandonment and its amendment in 1941 dealt only with the issue of abandoned children in charitable institutions. This, in turn, was repealed in 1958, and replaced with new regulations dealing with the adoption of *expósitos* (foundlings)[34] or abandoned children.

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[32] Law 8/1995, 27 July, on the Care and Protection of Children and Adolescents.

[33] González León, 1995, pp. 63-78.

The Law on Adoption of 1970, amending the Civil Code, was a first attempt to define abandonment, and it received considerable criticism. It repealed article 174 of the Civil Code, which had covered two kinds of abandonment, simple and qualified. In cases of 'simple abandonment', children under the age of 14 were left with no provider. Those legally responsible for such children were to hand them over to a charitable establishment or children's home. 'Qualified abandonment' occurred when paternal authority was relinquished to give consent for the adoption of the child.

Abandonment was to be examined and decided upon by the judge entrusted with the adoption proceedings. This led to problems, ruling out the possibility of abandonment being declared unless an adoption was also requested.

With the 1987 reform, as mentioned, the concept of abandonment was replaced by the notion of lack of protection, which is deemed to exist when the protective obligations required by law of the guardians of children are not fulfilled or cannot be performed, or are performed inadequately, thus depriving children of the moral or material assistance they need.[35]

Law 1/96 has made child protection proceedings more flexible in that they allow the competent public body to guarantee the social and economic well-being of children without protection by assuming automatic custody of those children.[36]

Subsequent to the changes in the policies established by law, the guiding principles are as follows:

- To strengthen preventive treatment by acting on the causes which lead to lack of protection for children.
- To improve the integration and normal life for children in their social surroundings.
- To ensure that administrative measures be time-limited so as to allow children to be cared for in their own families.
- If necessary, to provide children with resources alternative to their families in order to ensure a suitable environment for their full development.

Therefore there is a purely factual definition of the conditions which require a public authority to assume custody of a child by virtue of the obligations which the Constitution and its laws place on it guaranteeing social and economic protection to children. Before such action can be taken, it is necessary for the public authorities to ascertain that a situation of lack of protection actually exists.

2.5.2.1. Reviewing the cases of institutionalized children

Following the entry into force of the reform of the Civil Code with the amendments to Art. 172 covering lack of protection, the Autonomous Communities embarked upon a number of programmes to deinstitutionalize children. Most of these programmes involved a yearly review of the situation of each child to decide if family reintegration was possible, if necessary with supplementary assistance and support.

As a result, foster placements have gradually increased in Spain over the last decade.[37] In 1990, there were 1,396 administrative foster placements, rising to a peak of 2,266 in 1996, with the figure decreasing slightly to 1,821 in 1997. Court-ordered foster placements almost trebled in the space of seven years, rising from 386 in 1990 to 1,092 in 1997.

Residential placements, on the other hand, after rising from 6,637 in 1990 to 7,926 in 1992, dropped to 5,053 in 1997. This 36 percentage point drop over just five years demonstrates the impact of the policy changes of a few years earlier, the effects appearing in national data after 1992.

The process of deinstitutionalization has taken place at differing rates in each of the

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[34] *Casas de Expósitos* (Foundlings' Homes) originated in 1796 and were established for children who had been left *exposed* to be found. This term was rejected by contemporary legislators as they considered that, "the concept of abandoned children has been dealt with in such a way as not to require reference to the outdated and pejorative term of *expósito*" (Statement of Grounds of Law 7/1970 of 4 July) Méndez Pérez, 1991, pp. 13-17.

[35] Art. 172 of the Civil Code.

[36] Explanatory preamble to Constitutional Law 1/96.

[37] *Estadística Básica de Protección a la Infancia* (EBPI) (Basic Child Protection Statistics), Ministry of Labour and Social Affairs, Reports Nos. 0 and 1, December 1998 and November 1999 respectively.

Autonomous Communities.[38] Catalonia for example achieved the greatest reduction in residential placements: whereas the number in 1992 was 1,331, the figure had fallen to 181 four years later. Meanwhile, foster placements increased, so that, according to regional statistics,[39] the total number of children and adolescents placed in foster care in 1997 was 3,998, compared to 2,035 placed in centres.

Valencia also saw a significant drop in residential placements, falling from 934 in 1992, to 538 in 1997. Foster placements increased in parallel almost doubling from 300 in 1990 to 596 in 1997.

Elsewhere, increases in foster placements were more gradual and declines in residential placements more modest, as in the Balearic Islands, Castilla la Mancha, Galicia and Navarre. In Andalusia, residential placements remained stable at around 1,300 children placed in institutions between 1990 and 1997. This number is, to a large extent, caused by residential placements of children from North Africa. This situation is also found in the cities of Ceuta and Melilla on the North African mainland.The process of deinstitutionalization of children is shown in the graph below, comparing the number of residential placements with the number of combined judicial and administrative foster placements. A clear trend can be seen in favour of the family setting in the child protection systems of recent years.

2.5.2.2 *Guiding principles in deinstitutionalization programmes*

The over-arching principle in child protection work is avoidance of uprooting children from their natural environment – their own families.

The family is acknowledged to be the best place for a child's upbringing, as relations between family members are closer than elsewhere.[40] Both research workers and practitioners generally agree that the family should be the "basic and natural environment for the upbringing and education of children"; they also consider that the internment of children in institutions can "interfere with the development of their primary bonds and undermine the forms of normal development most closely connected with social contact".[41]

Services and authorities must support or, in the case of judicial authorities, require, the reestablishment of the biological family environ-

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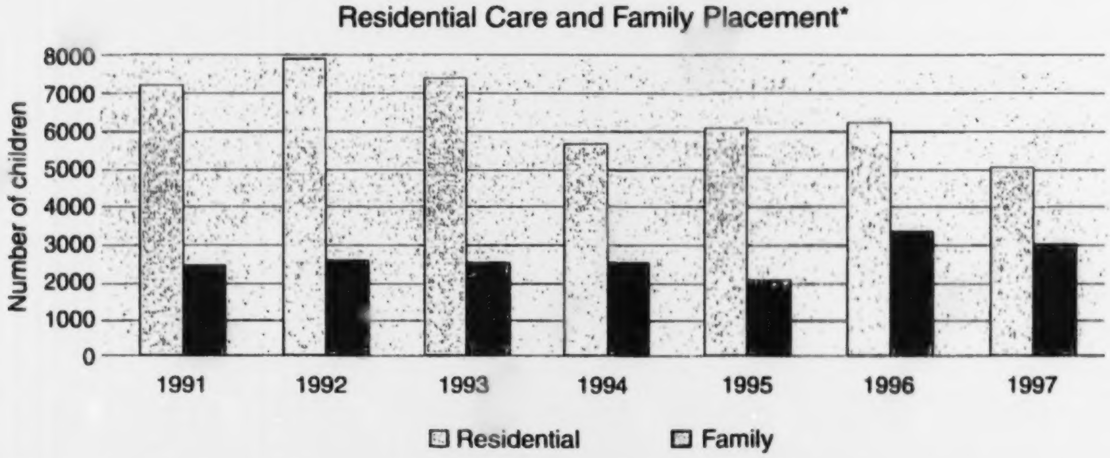
[38] Unless otherwise indicated, the figures for each of the Autonomous Communities are taken from *Estadística Básica de Protección a la Infancia* (EBPI) (Basic Child Protection Statistics) of the Ministry of Labour and Social Affairs. Reports Nos. 0 and 1, December 1998 and November 1999 respectively.

[39] These statistics were prepared by the *Instituto Catalán de Acogimiento y Adopción*, established in 1997, whose main objective is to "Reinforce protective measures guaranteeing the rights of children to grow up inside a family."

[40] As recognized by Recommendation no. 1074 (1988) of the Parliamentary Assembly of the Council of Europe.

[41] See Ferrándiz Torres, 1999, pp 69-70.



(*) *Source*: Estadística Básica de Protección a la Infancia (EBPI) (Basic Child Protection Statistics), Ministry of Labour and Social Affairs, Reports nos. 0 and 1, December 1998 and November 1999 respectively.

ment. If this is impossible, every effort must be made to find a family-style alternative. Protection centres thus become places for temporary shelter while other measures are undertaken to solve the problem.

Their temporary nature requires the regular review of individual cases, and deinstitutionalization programmes are based on systematic examinations undertaken by multi-disciplinary expert teams. These teams gain a thorough knowledge of the personal, social and family situation of each institutionalized child, and examine the viability of returning the child to his or her family environment once any necessary assistance has been guaranteed.

The guiding principles of child protection are now firmly focused on deinstitutionalization, based on the following key concepts:

- The residential centre does not in itself provide the conditions for the normal development of children.
- The family-child affective relationship is the most suitable for balanced development of a child's personality.
- The re-establishment of parent-child relations is the basic reason for deinstitutionalization.
- Family deficiencies may be alleviated through monetary benefits. Incompatible time schedules, inadequate income or lack of housing are not valid arguments for institutionalization of a child.

Avoiding institutionalization whenever it is not absolutely necessary is the responsibility of both the social services who identify children in need of protection and of the centres in which children have been placed. Three complementary lines of action need to be followed in order to avoid unnecessary residential placement:

a) Strict criteria have to be established for residential placement;
b) All cases of institutionalized children must be reviewed;
c) All possible alternatives to institutionalization should be explored.

The improved quality of life for deinstitutionalized children, achieved by supporting them according to their family needs and by avoiding their automatic elimination from programmes on finishing school, means that they can still be assisted in seeking employment or continuing their education.

Insight gained into the family and personal situations of children has meant that children, who in the past would have been placed in institutions or lived on the streets, have instead been identified, protected and directed into foster placement schemes.

Strict compliance with these guidelines limits the use of institutionalization as a response to a lack of child protection and compels the pursuit of more satisfactory measures such as family support, canteen voucher systems, primary school grants, household help and family educators.

The change in institutionalization criteria has meant a change in the characteristics of the population now cared for in residential centres. The family problems of children currently placed in residential care are more serious and the children themselves are generally from backgrounds of greater deprivation, greater dysfunction and greater conflict.

2.5.2.3 Changes within the institutions

The first programmes to attempt the reform of large-scale institutions had soon to come to terms with the fact that they would not succeed without far-reaching changes in admission procedures as well as in the resourcing of basic social service networks to ensure effective preventive action and early detection. Targeting change at the children's institutions alone would not be enough without general changes throughout the protection system.

According to Casas,[42] the reform process affecting children's residential centres in Spain can be divided into at least three different "levels of intensity" depending on the actual programmes implemented:

a) *Clean breaks with the past.* These programmes aimed to close down large institutions within a short space of time and replace them with a network of alternative services. In general, these were programmes for the complete overhaul of child-related social services within a given area, including the strengthening of family-support services, the establishment of alternative services and small residential homes with skilled educational teams and a holistic approach.

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[42] Casas, 1993.

b) *Relative change*. These programmes transferred children from large institutions to smaller residential centres, maintaining the educational team structure and the administrative procedures of the large-scale institutions.

c) *Physical re-design*. These programmes retained the physical external appearance of large institutions but re-designed the interiors to make the surroundings more humane. Such programmes often maintain the previous educational teams, although these programmes require higher numbers of staff.

In theory, the implementation of the basic principles of deinstitutionalization should lead to the closure of large-scale institutions and the release of resources for alternative measures. In practice, however, the majority of residential centres are unlikely to disappear in the near future, and their improvement is therefore essential, particularly in three areas:

- introducing educational criteria
- recruiting technical experts
- on-going staff training.

However, the expansion and improvement of the social services system has made it possible to detect risk situations at an earlier stage and to establish better diagnoses of problems encountered. As a result, there now exists a very efficient screening process, with the children placed in residential care representing only those cases that are the most complex or the most difficult.

Changes in the approach of social services have forced an improvement in the quality of care provided in these institutions. They must now be based on individual care, greater variety of resources to respond to a wide range of situations and needs, and greater coordination with other departments impacting on the welfare of children.

The methodological principles that apply are as follows:

- Coordination of the various child welfare systems and departments.
- Coordination of the child care programme and work with the family, using the complementarity of the family within a defined timeframe.
- Standardizing criteria and operations.
- Diversifying services to meet a variety of needs and situations.
- Coordinating all residential resources within a network.

These criteria justify the need for various kinds of residential resources.

2.5.2.4 Residential areas for adolescents

The special situation of adolescents requires particular attention and can be especially conflictual in a residential situation, or home. The creation of a residential space for adolescents must be based on the knowledge that it cannot be good for boys or girls to reach adulthood in large-scale institutions, remote from the normal forms of social organization.

Sooner or later, the girls and boys in residential care will have to switch from life in an institution to coping for themselves. A preparatory process should take place in a context or space specifically for adolescents. At least while they are seeking to establish their own autonomy, the residential structure should be structured in such a way that they can develop and experiment different ways of managing their own lives.

In any case, within the limits of reality, the insititutional set up will be more or less small. Subdivisions or groups can be created within the institution itself, each with its own organization, approaches and educational style according to the various stages of child development, including adolescence.

This does not necessarily mean different centres for adolescents. A residence may have an area especially for young people, a different grouping which can work and be organized in a different way. When a young person (whether over 18 or not) finally begins to reach independence, some residual support may be needed while they settle into their new lives. Ultimately, the centre or apartment could become a semi-boarding-house with visiting professionals looking in from time to time to offer help when needed.

An adolescent 'space' requires flexibility, both in terms of working or school hours and in terms of the agreements and negotiations which may be involved in each individual case. Characteristics of residential structures developed to promote independence and to work in a way that reflects real life are:

- small groups with their own dynamics
- integration into their surroundings as far as possible
- a flexible educational framework and style of interpersonal relations
- recognition that adolescence is fraught with tension and difficulties.

The underlying concept is that adolescents still need educational input from adults to provide them with support in becoming independent. But the care offered must alternate between 'presence' and 'absence', between proximity and availability and an attentive distance.

Unlike other residential models where intense and continual attention is required, adolescents require varying degrees of care. Adequate human resources in terms of numbers and organization need to be provided in order to make this kind of relationship possible.

☐ 2.5.3 National childhood policies

Currently, national child-related policies in Spain are influenced by a combination of factors determining the role of public and private sectors. The most important factors are:

2.5.3.1 International trends

The United Nations Convention on the Rights of the Child, adopted in 1989, and the World Summit of Heads of States and Governments, which opened the series of UN International Conferences held during the 1990s, established an approach which considered children as a distinct social group with their own interests and rights.

The Convention on the Rights of the Child constituted a great and historic step forward in establishing a universal and unequivocal understanding that children are endowed with rights.

Some of the articles of the CRC refer to children in residential institutions and place particular emphasis on the need for all procedures and matters concerning those under 18 years of age (administrative, social and judiciary) to stringently guarantee respect of all their rights. Thus articles 19 and 20 establish that protective measures must contain effective procedures to establish social programmes that provide the necessary assistance for children and their carers, and that the state has an obligation to extend special protection to children deprived of their family environment and to fully respect their rights.

The Convention, which was ratified by Spain in December 1990, embodies the social and legal principles concerning child protection and welfare which had already been set out in the 1959 Declaration on the Rights of the Child and recognized by the 1948 Universal Declaration of Human Rights.

Protection is only one of the aspects related to child welfare, and cannot be reduced to simply improving the living conditions of the most disadvantaged. The Convention refers in general terms to the special protection which in the case of children must be given to the rights to life, health, education and identity and privacy against any form of exploitation or abuse.

However, children's welfare also involves the recognition of other rights: the right to be heard, freedom of expression, thought, and association, the right to an adequate standard of living such as to allow physical, mental, spiritual, moral and social development. The Convention, in short, establishes both the right of children to special protection as members of a particularly vulnerable social group and their right to act as individuals endowed with rights.

2.5.3.2. New conditions for social harmony

The sweeping changes affecting society in recent years make it necessary to undertake a technical and political review of child-related social policies. While Spain has always been relatively multicultural, an intense process of multiracial transformation has recently taken place. A significant number of immigrants now live in

Spain, and at times their presence has led to racist attitudes. Many areas, particularly in the inner cities, outlying suburbs and in isolated rural parts of the country suffer particularly from problems that result from social marginalization or exclusion, and the responsibility for addressing this lies with the social services.

Economic growth is not, in itself, enough to generate jobs and promote social integration. When unemployment is high and large numbers of people face severe problems, the result for many families, and their children, is social exclusion and the risk of institutionalization.

There are no aggressive policies currently in operation in Spain to combat marginalization or to recover the most disadvantaged members of society. Alternatives to unemployment, and provision of social services are not yet seen as rights. Even the right to subsistence and minimum incomes are not guaranteed in every Autonomous Community.

While a great deal has been achieved, the continuing lack of a coherent Child or Family Support Policy, is a stumbling block in providing full protection for children and families and finally ending institutionalization.

2.5.3.3. Non-Governmental Organizations

The dynamic policies of social NGOs have strengthened the social and democratic foundations of Spain. NGO's, associations and foundations are seeing a constant increase in the level of their cooperation with the various public authorities, and intervene in areas where they can provide a more flexible and efficient response than can the public sector.

It is, however, vital to carry out effective monitoring of the quality of the services provided by NGOs. This is often very high indeed, but may sometimes fall short of acceptable quality standards because of difficulties in evaluation, the lack of clarity concerning quality levels and the scanty resources available to them.

In today's society, NGOs are significant embodiments of the right of all citizens to take part in the social, economic and cultural life of the nation as guaranteed by the Spanish Constitutional Law 30/94 on Foundations, and tax incentives to promote private participation in activities of general interest, respond to the growing demand by citizens for their direct involvement in such activities. In 1996, Spain introduced Law 6/1996 on Voluntary Services, to promote and facilitate the participation of citizens in voluntary social activities and services.

This law attempts to regulate and harness the immense human potential that exists in the volunteer movement. However, voluntary work is still not very common and at times has been difficult to organize effectively due to the administration's sluggishness in facilitating and consolidating voluntary initiatives in some parts of the country. It is therefore necessary to open a debate with the NGO's in order to create formulas which can give concrete application to the Law, mainly at the municipal and Autonomous Community level, by furthering training programmes without leaving the responsibility for services to the voluntary movement alone.

☐ 2.5.4 The Law on Legal Protection of Children

Law 1/96 on the Legal Protection of Children is not intended to be a Children's Code containing every specific legal provision relevant to children, or to provide exhaustive coverage of all the issues. Besides being impossible, this would also be impractical due to frequent changes in the laws which would quickly make it obsolete.

It tries, however, to be exhaustive in the material selected for coverage and does not reiterate precepts already recognized in other codes, of the same or higher level, nor does it breach the existing organizational order.

The basic aim of the law is to close the gaps identified and to adapt legal provisions to the new situation generated by the 1989 Convention and emerging social demands.

It consists of two entirely separate parts. Part One outlines the judicial framework of the child protection systems, defining the obligations of public authorities, institutions, parents and other citizens, as well as the principles that should guide action relating to children. It recognizes and develops a number of basic children's rights, including the rights to respect, privacy, identity, information, freedom of thought and expression, participation, association and assembly.

Part Two undertakes a limited reform of the Civil Code to fill gaps identified in its coverage and to clarify, complete, or amend provisions that have caused problems identified by Parliamentary groups, the Children's Protector and the General Office of Public Prosecutions.

These changes refer to custody which, whenever possible, should be considered as an instrument to promote family integration and the removal of which should be possible on request by the child; the obligations citizens have to report situations of risk or lack of protection are also specified; as are the obligations of and guidelines for public authorities.

The law also clarifies and enforces the system of notifications and appeals and the competent jurisdiction for recognizing administrative actions.

On foster placement, the law envisages a number of situations that may make it necessary to give special powers to foster parents and also spells out the procedure leading up to the granting of foster care.

It establishes a distinction between various kinds of foster care depending on whether it is to be considered as temporary or permanent. A number of changes are introduced concerning adoption, such as the establishment of a pre-adoptive period of foster placement and the requirement that adoptive parents be suitable. In addition, an administrative system is established to oversee adoptions of foreign children or intercountry adoptions and the intermediaries in intercountry adoptions are regulated. There is absolute prohibition of unwarranted profit from intercountry adoption.

The Law tackles a hotly debated and contentious issue – the institutionalization of children in psychiatric centres – and spells out the conditions in which such admissions can be made. This must be done with the strictest guarantees, and "internment on account of psychological disorders of an individual unable to decide on such internment by him or herself, even when such person is subject to parental authority, shall require judicial authorization...". This means that parental consent is not enough to warrant the internment being considered voluntary.

Law 1/96 also extends and updates the child protection system established on the basis of Law 21/87. It regulates the general principles of care in cases of lack of social protection, including the obligation for a public authority to investigate the case and take action through the Social Services or, if necessary, take the child into its custody.

General principles are also established, such as the integration of the child into the family that replaces the biological family, the principle of cooperation with both child and family in implementing protective measures, and the principle of keeping the child with their biological family and in their geographical surroundings if at all possible.

A new development is the possibility for the public authority to grant temporary foster placement as a preparatory phase prior to definitive fostering or other measures. This makes it possible to avoid a number of situations which had previously led to the child being admitted to an institution, with all the psychological and emotional damage this entails. The introduction of this type of custody responded to one of the most pressing needs faced by public authorities, which previously had been obliged to admit unprotected children to centres while the procedures for foster care or adoption were being completed. This situation was corrected by Art. 173.2 allowing this option in the case of children whose parents have demonstrated a complete lack of care and attention.

The Law also introduced the idea that decisions by public bodies should not only be communicated in writing but also in person, making it possible to give more details about the decision, its reasons and possible effects.

The Law includes a Supplementary Provision in the procedures for appeals in relation to Article 158 of the Civil Code, such as appeals relating to public custody, or those challenging the suitability of prospective adoptive parents. Appellants no longer have to make an ordinary administrative appeal or an appeal preliminary to civil proceedings.

As a result, the delays that could arise while awaiting a final court decision are avoided, sparing the child the legal insecurity that might occur if a decision by the public authority is later overturned by the judicial authority. These basic operative provisions apply independently of the legal situation of the child, whereas the provisions governing disputes only apply in the case in which a situation of lack of protection exists.

This is due to the fact that, in child protection proceedings, the public authority is not acting within the sphere of administrative law, but in the field of civil law, as envisaged by Article 173.2 of the Civil Code. This states that when parents oppose the decision or fail to appear the judge will decide on the foster placement, in compliance with the Law on Civil Procedure.

In conclusion it should be mentioned that the Law on Legal Protection of Children in creating a new system has also brought about a change of mentality. Instead of focusing only on children in an irregular situation caused by abandonment, lack of protection or their own actions, the modern principle of "comprehensive protection" has been introduced, extending the basic principle of Law 21/87 to any child in any legal situation.[43]

With the principle of comprehensive protection, no child should ever be in a situation in which she or he is undefended or unprotected and, as stated by Varela García, "all children in any legal situation" are protected.

The main operative provisions apply independently of the legal situation of the child, whereas the provisions governing disputes only apply in the case in which a situation of lack of protection exists.

The explanatory preamble to Law 1/96 and the articles which contain the principles of action of the Law lead us to conclude that there has been an evolution from the concept of 'abandonment' to that of 'lack of protection' and therefore to the notion of 'comprehensive protection'.[44]

☐ 2.5.5 Child policy trends in the Spanish Autonomous Communities

The administrative and political reorganization which derived from decentralization and the transfer of powers to the Autonomous Communities, has had an undeniable impact on the structuring of resources targeting marginalized children at risk of institutionalization. However, the quality and scope of the changes brought about can only be gauged by comparing them with the initial situation.

In the early 1980s, before decentralization began, the situation was characterized by:

- Lack of common laws for the child-related sector as a whole;
- Ignorance of existing needs, where intuition substituted planning;
- Irrational allocation of resources and inadequate human and material resources;
- Centralization and bureaucracy in responsible bodies;
- Inadequate funding, based on taxes levied and not on existing needs;
- Lack of coordination between institutions and lack of contact between groups and associations operating in the sector;
- Lack of municipally-based services and scarcity of provincially-based services.

The social assistance network outside the normal social security channels addressed situations of extreme deprivation, but segregated its users thus preventing their full reintegration into society. Services reported to a plurality of highly centralized public bodies within the state administration.

This, in schematic terms, was the situation in the sector at the time when the process of transfer of power to the Autonomous Communities began. The transfer meant changes in three major areas relating to marginalized children: social services, juvenile justice and education.

Social services: as pointed out by Del Valle,[45] the Spanish Constitution makes the Autonomous Communities responsible for social assistance.[46] However, the basic legislation governing social security and the economic system that underpins it, are the responsibilities of central government.[47] This situation, in conjunction with the vagueness of the terminology used by the Autonomous Statutes ("social assistance", "social welfare", "social services", "community development") has created a dual system involving central and regional powers. These services are guaranteed to all citizens by the enactment of social service laws, a power attributed to the Legislative Chambers of the Autonomous Communities, and every Community has enacted laws of this kind.

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[43] Varela García, 1997, p. 275.

[44] Ibid.

[45] Del Valle, 1985.

[46] Art. 148.1.20 CE.

[47] Art. 149.1.17 CE.

In 1984, responsibility for Child Protection was transferred entirely to Spain's 17 Autonomous Communities, including child protection services and residential institutions. Child Protection Boards were dissolved and their functions were shifted to the provincial services of the Autonomous Community Ministries. With the enactment of Law 21/87, the transfer of powers to the Autonomous Communities for all issues relating to child protection was complete, and each one was free to develop its own child protection system.

Central Government retained only the former General Directorate for Legal Protection of Children, now merged within the General Directorate for Social Action, Children and Families, which is subject to the Ministry of Labour and Social Affairs.

Legal authority is provided by the *Juzgados de Menores*, the new Juvenile Courts which are part of the Judiciary. The 1985 Constitutional Law on Judicial Authority, in conformity with the Constitution, reserves the administration of justice to judges and magistrates of the judicial branch alone, and thus does away with any special jurisdiction. This Constitutional Law repealed the *Tribunales Tutelares de Menores*, the former juvenile courts, and replaced them with *Juzgados de Menores* which are almost exclusively entrusted with judging cases of "juvenile delinquency" (crimes and misdemeanours).

According to Dolz Lago, a Juvenile Prosecutor, the entry into force of the new law on the Criminal Responsibility of Minors in 2000, put an end to the temporary nature of the position of the *Juzgados de Menores*, that had been established by the 1985 Constitutional Law on Judicial Authority (arts. 96 and 97). It is envisaged that "Juvenile Sections be established in the Higher Courts of Justice and that the regulations and powers of the *Juzgados de Menores* and the composition of the Second Section of the Supreme Court be adapted to the provisions of the new law."[48]

With this new law Juvenile Judges must be appointed following a competition and preference will be given to those who are specialized in children's issues.[49] The jurisdiction which the law grants these courts concerns children committing misdemeanours and offences laid down in the Criminal Code or indicated by special criminal laws.[50]

The role of the school system in reproducing social inequality is clear. School failure is a constant finding in cases of marginalized children. As a result, it is vital to implement educational programmes that can reach out to the most marginalized children, such as those from rural areas, urban slum areas, and those with disabilities.

An attempt to address remedial education was made by Royal Decree 1174[51] which aimed to provide guaranteed access to free schooling for groups at a disadvantage because of their economic situation, social conditions or place of residence. As a result, a number of priority educational action areas were established, such as those characterized by high rates of illiteracy, failure to attend pre-school education, poor academic standards, drop-out from basic schooling, failure to attend secondary school and drop-out from grade one vocational training.

The Autonomous Communities' role as the new agents of social policy in general and action in favour of deprived children in particular, gave them one potential advantage and one potential disadvantage. The advantage was their ability to develop new programmes and services in response to the specific problems of each region and in keeping with local laws and resources. The disadvantage was the fact that they had to construct an institutional structure from scratch or, at the very best, from scattered, heterogeneous and inadequate resources.

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[48] Second final provision of the Law on Criminal Responsibility of Minors.

[49] Third final provision, 2nd paragraph and 4th supplementary provision of the Law on Criminal Responsibility of Minors.

[50] Art.1 of the Law on Criminal Responsibility of Minors.

[51] Dated 27 April 1983.

Some Communities have moved quickly to draft laws on child protection, including Catalonia and the Basque Country – the first Community to approve its Statute of Autonomy in 1979. This gave it exclusive responsibility for social care, youth and public child-care and protection institutions. In 1981, central government child-protection services were transferred to the Catalonia administration. By 1995, the Autonomous Community of Catalonia had adopted its own child protection law, one year before the national law on Legal Protection of Children was enacted. Most other Autonomous Communities did not develop a system of child-protection policies until the 1990s.

The Autonomous Communities act as public bodies regulating and coordinating all matters concerning child policies, apart from the actions of the *Juzgados de Menores* and the powers attributed to the General Directorate for Social Action, Children and Families.

☐ 2.5.6 Trends in municipal policies

The basic guidelines for the provision of coordinated and equal care to children and their families at the municipal level must be in line with the applicable legal provisions, particularly Constitutional Law 1/96 on the Legal Protection of Children, the Law of Civil Procedure and the various Autonomous Laws covering these issues. Another key reference is the 1985 Basic Law on Local Government (*Ley de Bases del Régimen Local*), which defines municipalities as, "the basic local unit of the territorial organization of the State."[52] Municipalities are responsible for, "the provision of social services and social promotion and reintegration."[53] However, only municipalities of over 20,000 inhabitants are obliged to provide social services, including those for disadvantaged children.

This means that only 252 town councils (out of a national total of over 8,000) have an obligation to provide these services. And this does not mean that all 252 comply with that obligation.

There are, of course, alternative methods available, such as the provision of services by districts (*comarcas*), the establishment of associations among various municipalities in order to manage these services jointly or the direct delegation of authority and resources from the Autonomous Community level.

Some Autonomous Communities such as Madrid, Murcia, Navarre and Castille La Mancha delegate more functions and resources to the municipalities than those already required of them. In the case of Navarre, for example, municipalities are responsible for day nurseries, children's family homes and youth clubs. In Murcia, municipalities are only responsible for social services when their population exceeds 20,000.

The Basque Country and Catalonia leave less scope for the initiative of the municipalities, though they emphasize the importance of decentralizing services and primary care management. Only Castile La Mancha and Madrid actively involve their municipalities in the general planning of the region's social services.

It is clear that the principles of decentralization and strengthening of basic services has created a wide range of situations and responses in terms of municipal responsibility. The most 'fashionable' example of social services sees municipalities as the focal point of public initiative, linking to district or neighbourhood urban centres or 'Basic Units' (*Unidades Básicas*) in the case of rural areas. These must be multi-functional to deal with the problems that arise in the area they cover, referring cases they are unable to handle to more specialized services.

Current laws, in harmony with the findings of social studies, tend to direct systems of protection towards developing support programmes for any family in a situation of difficulty or conflict, and to promote and support the maintenance of children in their own family and social surroundings.

The social services are the main reference point and fundamental element in social protection and care systems as they are entrusted with these tasks. The multi-disciplinary approach adopted for children and their families at social services level is structured around the model of pyscho-social intervention.

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[52] Art 11.1 of the Basic Law on Local Systems.

[53] Art 25.1 K of the Basic Law on Local Systems.

The main aim of this approach is to improve the quality of life and the social welfare of individuals, groups or communities which make up the social fabric. In order to achieve these goals, a number of methods are available, which can be described as: *preventive action*, *positive or dynamic action and integrated action*.

Children have a number of basic physical and social needs that must be satisfied for them to develop fully and freely.

Before taking effective action on behalf of children, it is essential to first establish what it is that they actually need, and just how these needs relate to those of families and communities. The EFFOS study on children and families in Madrid,[54] published in 1990, aimed to do just that, and the findings can be summarized in the table below.

An analysis of these needs allows intervention to be directed towards prevention and family and community support. Social services providing child and family care will act on three levels:

- *Prevention*: providing children, families and society with basic inputs and resources to satisfy physiological, cognitive, emotional and social needs and ensure balanced development.
- *Care*: in cases of lack of social protection – any situation in which children are deprived of the physical care and affective attention they need for normal development. Lack of social protection constitutes a risk and causes vulnerability.
- *Return*: children who have been separated from their family and community environment must be helped to become part of them again.

☐ 2.6. CONCLUSIONS

The process of deinstitutionalization must go hand in hand with a Family Support policy and be backed by a Childhood Policy as a Government priority. Such policies would constitute an important foundation for achieving comprehensive preventive action.

In Spain, the basis for such wide-ranging policies lies in the Constitution, and the development of a democratic system over the last 20

BASIC NEEDS

OF CHILDREN

Being respected as people and seeing their rights recognized.

An adequate home environment in which their basic affective and educational needs are met.

Completing their process of socialization in their social and school environments.

Leisure time.

Protection against aggressive circumstances in their surroundings.

Receiving adequate care in the case of special situations of sickness or limitation.

OF FAMILIES

A stable environment in which to live together.

A minimum guaranteed level of resources (economic, housing, schooling, training, culture) with which to guide the educational process of their children.

Respecting the family's rights, while ensuring those of the children and the identity of each member of the family.

Institutional or community support to delegate responsibility sporadically or continually.

OF THE COMMUNITY

Infrastructure and facilities.

Financial support and services focusing on relational issues, living together and participation in a spirit of solidarity and social cooperation.

Institutional support to the associative social fabric inherent in the community.

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[54] *Programa de Estudios y Formacion en el Ambito de la Cooperacion Social* – EFFOS (Programme of Studies and Training in the Area of Social Cooperation) for the Social Services Department of the City of Madrid 1990.

years, with its framing of welfare state policies, has included action on child-related policies.

However, this does not mean that the child protection system is perfect. The system is well-established, but available resources need to be better targeted and used.

Even though urgent cases remained the priority, the child care system has gradually generated a comprehensive approach to child-related policies. This is essential for the achievement of the main goal: to expand the protective system into a more ambitious and comprehensive prevention and development policy aimed at all children. This would go beyond the idea of children as objects to be protected, taking a holistic approach to every significant aspect of child development.

It is obvious that broken homes, failure at school, drug or alcohol addiction and other risky behaviours are often inter-related phenomena, creating a vicious circle of family breakdown and loss of opportunities for children and youngsters.

Such situations are closely associated with difficult living conditions, a build-up of social and economic problems in families and, above all, with an urban environment characterized by general decay in living conditions or, at the very least, by low incomes and poor facilities. At times, such an environment creates real ghettos, as a result of discrimination against immigrants or other ethnic groups.

Preventive action must address the population in general and children and youngsters in particular, backed by respect for the rights of children. Tolerance and understanding of the forms of conduct connected with these age groups are factors for social cohesiveness, which is also promoted by parents and institutional staff adopting and conveying an attitude of responsibility to children, which requires them to exercise a normal degree of authority within the respect of the rights of children and young people. A family-support policy and a global policy for children are in themselves an extremely important foundation for achieving global preventive action.

However, this global policy also needs to include programmes to prevent addiction-related or conflictive conduct, which are fundamental in reducing the number of young people who are exposed to the possibility of a future of crime as a result of family destabilization and conflict which are often the cause of such conduct.

It has, in fact, often been recognized that prevention is the best way to address this drift, allowing many vulnerable children and young people to achieve social integration and opening up normal opportunities. However, not enough has been done to provide resources and plan preventive activities that correspond to the size and importance of the problems.

Far-reaching initiatives to prevent, detect and respond to situations of social risk and conflict should include educational campaigns. This is feasible through the use of the educational, health and social services whose staff, if properly trained and resourced, can identify cases of maltreatment and conflict situations.

Programmes for families in critical situations should include home help services to prevent problems developing into crisis situations. Severely disadvantaged areas need specially-designed plans and specially-adapted resources to help the population, particularly children and young people, recover opportunities that are currently denied them by the marginalization that affects their everyday life.

Immigrants, who often live in such marginal areas, need social integration programmes that recognize their specific situation and their special problems.

Stronger preventive policies will help to stem the flow of children requiring the attention of the child-protection system. The system has been updated significantly and has been developed within the new framework of recognized children's rights. Despite these achievements, it is still necessary to improve the extent, depth and quality of organization of available resources. The following issues should be addressed:

1. Diversifying services: diversification is necessary because of the complexity and variety of the situations of the children and adolescents requiring assistance. This diversification must go hand in hand with less emphasis on residential centres and

more on services linked to the outside social support network.

2. Redesigning foster care involving:
   - Improving selection of foster families.
   - Optimizing the monitoring of foster placements, and providing greater technical and financial support to foster families.
   - Establishing new forms of foster placement, including professionalized, remunerated, temporary and special placements.
   - Adopting a more systematic approach in assessing and supporting extended-family placements with specialized teams for selection and follow-up.

3. Improving inter-country adoption procedures: the growth in intercountry adoption requires improved selection procedures to address the needs of the child caught in a three-fold process of family, geographical and cultural estrangement and to guarantee the suitability of the adoptive families.

4. Co-ordination and the reduction of uncertainties in decision-making: action for children in difficult situations requires measures to address the uncertainty practitioners are confronted with when making decisions. It is essential to establish coordination mechanisms to reduce the use of resources and increase their effectiveness by ensuring the provision of integrated care by the various services involved. In order to achieve this it is important to:
   - Improve decision-making criteria in critical areas of the system, such as liaison between primary and specialized services, separation of children from their biological families, foster or residential care and family reintegration.
   - Improve coordination with the normal network of services and local resources in detecting, notifying, investigating, evaluating and responding to cases. Improving the sharing of records between practitioners and social services would be a priority.
   - Assist children who have lived in residential centres up to the age of 18 to become independent through support and monitoring programmes to help them find employment and housing.

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PROTECTION OF CHILDREN'S RIGHTS AT THE LOCAL LEVEL IN ARGENTINA. THE CASE OF GUAYMALLÉN: A MODEL UNDER CONSTRUCTION*

☐ 3.1 THE INSTITUTIONALIZATION OF CHILDREN IN ARGENTINA

Historically, in Argentina, the approach to child rights has been dominated by the idea that poor families were incapable of giving their children an adequate upbringing. As a result, legal frameworks similar to those developed in other countries were developed, with so-called "laws on abnormal situations", which led to the shaping of childhood welfare policies that were both paternalistic and part of a system of patronage.[1] Implicitly, these legal frameworks also laid the blame for the situation on the families involved, often resulting in the separation of children from their parents and their placement in some form of institution, whether they were large-scale orphanages or smaller homes, substitute families, external foster-, community- or family homes.

However some signs of change have begun to surface in recent times and there has been a switch from large-scale residential facilities, and other "more humane" forms of institutionalization, towards an emphasis on integrating children with their families and communities.

The new approaches that are being formulated and developed make it possible for families to be strengthened and for families and communities to be empowered. One direct consequence has been the deinstitutionalization and de-judicialisation of children.

Despite this positive trend, the institutionalization of children in Argentina is still a reality, and one for which no official statistics are available. One of the reasons why there are no national data concerning the situation in the various provinces is that Argentina is a federal state and child protection has been allocated to provincial executive authorities and as a result the federal authorities are unable to measure its extent in a homogeneous fashion.

☐ 3.2 GOING BEYOND THE LEGAL FRAMEWORK: FROM THE AGOTE LAW TO THE CONVENTION

The United Nations Convention on the Rights of the Child (CRC) was ratified by the Argentine Congress in 1990 and incorporated into domestic law. In 1994, the Constituent Convention enshrined the CRC within article 75 of the new Constitution of the Argentine Republic.

Prior to the ratification of the CRC, the law that governed relations between children and the Argentine State was Law 10.903, also called the Agote Law, or the Law on the Patronage of Minors, which is still on the statute books today, despite its conflict with the CRC. This national basic law was enacted in 1919 and is a clear example of the so-called "laws on abnormal situations".

This was a national law which, in line with the Federal nature of the Republic of Argentina, does not address the specific issues of child protection, a responsibility which is held by the provincial authorities. However, when provincial laws established the bodies responsible for these issues (*Direcciones* or *Consejos*) and laid down specific procedures, they followed the pattern of the Agote Law and reproduced its general philosophy.

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*Based on Gestión de Politicas para la Protección Integral de los Derechos de Niñas, Niños y Adolescentes. Un Modelo en Construcción, Buenos Aires, UNICEF 1999.

[1] García Méndez, Emilio: ***Infancia, de los derechos y de la justicia***, Editores del Puerto, Buenos Aires, 1998

Under the effect of these laws, child protection in Argentina was shaped around the notion of "abnormal situations" in open contrast with the legal principles underpinning the Convention on the Rights of the Child, which have been termed as the doctrine of Comprehensive Protection of Children's Rights. Some of the major effects of this difference in approach to the organization of child protection systems in Argentina are detailed below.[2]

In children's laws based on the principle of abnormal situations, a vague definition is provided for a number of circumstances which are deemed to correspond to an abnormal situation (being expelled from school, spending time on the streets, being subjected to violence at home, delinquency, etc.) In all these cases , the law requires the State to take coercive action, essentially through the action of a juvenile judge, who thus becomes a dominant figure with great powers over the lives of families and children.

In this type of approach, controlling conduct and protecting children are combined. This conjunction and confusion of delinquency and abandonment, and lack of protection can even lead to children and adolescents who have not committed any crime or whose guilt has not been proved in a regular court hearing being deprived of their freedom without any open proceedings.

With a law based on the principle of comprehensive protection, however, a clear distinction is made between situations where children's rights are threatened or infringed and those where the criminal law has been broken. In the former case, the law guarantees, recognises and promotes rights, which become an obligation for families, communities and/or the State, by means of social policies without empowering any authority to undertake coercive measures restricting the rights of the children concerned. In this approach, judges must limit their action and extend judicial protection to threatened or infringed rights. As a result, issues such as lack of financial resources are removed from the remit of the courts and thus no child can be removed from his or her family simply for reasons of poverty.

Another characteristic of the abnormal situations approach is the high degree of centralisation of child offices or councils acting on behalf of the provincial authorities. In laws based on the principle of comprehensive protection, on the other hand, decentralization is a priority and this is pursued by means of policies designed and implemented by civil society and State at municipal level.

As an example of the process of the move towards deinstitutionalization that child policies are making in Argentina as a result of the influence of the Convention, we outline below the experience of the municipality of Guaymallén, Province of Mendoza, from 1995 to 1999.

☐ 3. 3 THE CASE OF GUAYMALLÉN (1995-1999)[3]

☐ 3.3.1. The situation in the province

Child protection policies in the province of Mendoza. The new provincial Law on Children and Adolescents

Shortly after Argentina's ratification of the CRC, a multi-party committee of provincial legislators from the Province of Mendoza began to amend the province's child laws in order to bring them into line with the Convention. This led, in 1995, to the enactment of the first Argentine provincial law adapted to the CRC: the Mendoza Law on Children and Adolescents.

The following are some of its most important aspects:

- This Law was a ground-breaking instrument that attempted to carry out the first substantial adaptation of the provincial political, judicial and institutional system to the provisions of the CRC.

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[2] On this point we quote liberally from the analysis made by Beloff, Maru, *Estado de avance de la adecuación de la legislación nacional y provincial a la convención sobre los derechos del niño en la Argentina. Tendencias y perspectivas*, a report prepared for delivery as a speech at the First Meeting of the Forum of Provincial Legislators for the Rights of Children and Adolescents, Salta, 1998.

[3] All data and comments relative to the Province of Mendoza and the experience of the Department of Guaymallén are taken from Konterllnik, Muñoz and Pelliza, *Gestión de políticas para la protección integral de los derechos de niñas, niños y adolescentes. Un modelo en construcción*, Buenos Aires, 1999.

- It forced the provincial government to prioritise its human, material and financial resources to achieve the aims set out in the law. It required the State to do everything possible to avoid actions that might threaten the rights of children and to guarantee that children be given priority attention in public services and in the design and implementation of social policies.
- One of its features was to make tools available for the implementation of these rights, historically denied to children from poor families. Article 10 of the Law is clear, "The fact that parents may suffer from a lack of material resources ... shall not be a sufficient reason for a child or adolescent to be separated from his or her family group ...".
- Another fundamental aspect of the Law relates to the administration of juvenile justice – so often a factor in child institutionalization. The clear distinctions established about the role of judicial bodies make it possible to end the confusion between abandonment and delinquency and between child-victims and child-offenders. It also deprives the juvenile judge of an all-embracing scope of action and the power to order similar responses to children affected by conditions of poverty and children who have broken the law.
- The Law promotes decentralization of child policies, which are basically seen as dependent on the combined efforts of government and civil society.

New institutions to design and implement child-related social policies

One of the measures envisaged by the new Mendoza Law is the establishment of new institutions to design and implement social policies.

First, it provides for the establishment of a Provincial Council for Children and Adolescents (*Consejo Provincial de Infancia y Adolescencia*), responsible for designing and co-ordinating child-related social policies. The Council is a forum for deliberation, discussion and liaison.

Second, it updates the functions of an existing institution, the Office for Children and Adolescents (*Dirección de Niñez y Adolescencia*), entrusted with developing, implementing and evaluating specific programmes.

During the years 1995 to 1999, two co-ordinating units were created, resulting in the redesign of the functions and organizational model of the Office:

- UCP1, the Co-ordinating Unit for Child and Adolescent Programmes (*Unidad Coordinadora de Programas de Niñez y Adolescencia*), maintains the functions of custodial bodies and manages a network of centralized programmes. These programmes deal with judicially-derived cases: shelter homes, small homes, caregiver families and juvenile offenders from COSE, the Centre for Social and Educational Guidance for Juvenile Offenders (*Centro de Orientation Socioeducativa para adolescentes infractores de la ley penal*).
- UCP2, the Co-ordinating Unit for Family Programmes (*Unidad Coordinadora de Programas de Familia*), establishes a new style of public policy that is preventive and promotional in nature. This unit provides support to families to improve their ability to raise their children. It is also responsible for the decentralization of child-related promotional and preventive programmes and for the protective measures outlined in the Mendoza Law.

Limitations of the Province of Mendoza Law on Children and Adolescents

Despite the significant progress achieved, the implementation of the provincial law continued to encounter difficulties and stumbling-blocks.

A far-reaching process of social and institutional change was required, and this was hampered by delays in the implementation of the provincial law because of lingering institutional, administrative and judicial approaches based on a pre-CRC outlook, particularly in relation to changes required in the administration of justice.

3.3.2. The situation in the Municipality of Guaymallén

The geographical, economic and social characteristics of the Province of Mendoza

Guaymallén is the most highly-populated municipality in the province of Mendoza, with a population of around 220,000 in 1994, representing about 15 per cent of the total population of the province.[4] Its proximity to the capital city means it can easily access the services available there.

Guaymallén has many industrial and commercial premises, including a bus terminus linked to a commercial centre and a fruit and vegetable market – places where a significant number of children and adolescents work in conditions which often constitute outright exploitation. The area produces olives, almonds, grapes and plums and its local industry includes over 100 wine producers and many food-processing plants.

There are three hospitals and in 1994, almost 60,000 children were enrolled in its 55 primary and 13 secondary schools. More than one third (37 per cent) of the population are under the age of 18. Of these only 7 per cent live in rural areas. More than half[5] of those under the age of five, and one third of those aged six to nine, are thought not to have access to the basic requirements needed for their well-being.[5]

Children in institutions

When activities to protect children's and adolescents' rights began, there were no sound data available on cases of institutionalization. Information was only available in aggregated form for the province as a whole and it was impossible to obtain data broken down by individual municipalities.

A diagnostic survey conducted in 1995 found that 192 children and adolescents were in institutions. Their placement had generally been ordered by the courts, without any involvement on the part of the municipality, and the main reasons for the decision were family or financial problems, crimes against children and crimes committed by them.

Prior to these new activities, the Municipality had no specific scope for child- and adolescent-related policies. Policies to promote child and family welfare had been directly managed by the provincial government with very little participation on the part of the municipalities.

The Municipal Council for Children and Adolescents (Consejo Comunal de Niñez y Adolescencia)

In 1994, the Municipality of Guaymallén established its Council for Children and Adolescents (*Consejo Comunal de Niñez y Adolescencia*). Still evolving today, the Council was originally established to promote and bolster the rights of children and adolescents through community organization, aiming to provide policy linkages between Government and civil society on a consensus basis. To achieve this, it needed to generate policies to promote the overall development of children, adolescents and their families, and to link related approaches adopted by various sectors in the community. These included areas such as health, education, social development and justice. However, the general lack of experience in such inter-institutional relationships has hampered the efforts of the Council and there is a need to review and re-define its role. To achieve its aims, the Council attempts to:

- *Explore and guarantee inter-institutional partnerships* (with government institutions, NGO's, companies, trade unions and others);
- *Promote training*, dealing with task-management between Council members and services, and mobilising institutions to make sure the law is truly enforced;
- *Develop criteria* on respect for children's rights;
- *Disseminate* the principles of Comprehensive Protection;
- *Include the voices of children and adolescents* and promote their participation.

The work of the Council for Children and Adolescents has had to face the difficulties characteristic of inter-institutional approaches where organizations are unaccustomed to this kind of procedure and cooperation. As a result, it is a structure which is still under construction.

ODDNA- The Office for the Defence of the Rights of Children (Oficina de Defensa de Derechos del Niño y el Adolescente): features and achievements

The Office was established in February 1996, following a survey of the situation of children and adolescents and as a result of inter-institutional participation in the Municipal Council for Children and Adolescents. Various sectors of the community requested a new body within the Municipal Executive to implement programmes for children and adolescents.

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[4] According to the 1994 Economic Census.

[5] According to data of the *Programa Materno Infantil y Nutrition.*

The main role of ODDNA is to co-ordinate, combine and utilize provincial and municipal resources available in the institutions and the community in response to situations where children's rights are under threat.

It provides a forum where the voices of local children and adolescents are included in the evaluation of the activities conducted. All of ODDNA's activities are characterized by the fact that children and adolescents are seen as fully-entitled individuals. In practice, this translates into their active involvement in seeking a solution to the problems they face, with attention and consideration given to the opinions they express.

Not only do children and adolescents take part: it is also considered essential that the family and the community participate in resolving situations where rights are jeopardised, so that in all cases there is a shared responsibility between family, community and State. This goal is in line with the spirit of the CRC, generating a conceptual change in the way the State and individuals view adults and children.

The ODDNA 'Team' consists of a group of practitioners from a number of areas, including law, social work, psychology and those with professional experience in dealing with child and adolescent-related issues, creating an extensive pool of know-how. These practitioners are not decision-makers – they are facilitators. They base their work on the understanding that nuclear and extended families have the capacities and the potential to ensure their children's well-being.

ODDNA works to change the logic and practices of existing institutions, identifying and eliminating failures in services and establishing the conditions whereby all the children of Guaymallén may be guaranteed their rights as specified by the CRC. This means:

- Managing intervention to stimulate changes in institutional outlooks and practices;
- Identifying gaps and helping to bridge them;
- Helping to remedy weaknesses;
- Supporting effective access to all rights for all the children and adolescents of Guaymallén, without any discrimination.

Its main goal, to protect the rights of children, is supported by such mechanisms as the Service for Protection of Rights (*Servicio de Protección de Derechos*), and by specific programmes to ensure that children and adolescents are covered by social policies and that they remain in, or return to, their home areas.

In performing this task ODDNA abides by four main principles:

- Participation of children and adolescents in the decisions affecting them;
- Acknowledgement of the potential and capacity of poor families to care for and protect their children;
- Strengthening of families through actions and services that recognise their value in relation to local institutions;
- The promotion of responsibility in each of the institutions involved in the rights of children and adolescents, so that new social, institutional and community outlooks can be pursued.

Frequent problems that ODDNA deals with are exclusion of children from school; children not attending school; violence in the family; children and adolescents charged with offences; child labour; unidentified children; discrimination against children from poor neighbourhoods; under-nutrition and adolescent pregnancy.

Functions of ODDNA

- Promoting the establishment and reinforcement of channels and spaces that allow children to participate in the planning process;
- Creating and strengthening inclusive strategies to ensure that children and adolescents are reached by the services provided through general social policies;
- Guaranteeing legal and social assistance to children who have been victims of a crime;
- Guaranteeing legal and social assistance to children who have been accused of a crime;
- Strengthening the active role of the family in the upbringing and development of children and adolescents;

- Planning, combining and coordinating actions in the various branches of the Municipality dealing with related issues.

Organization and areas of activity of ODDNA

ODDNA has two interrelated operational thrusts: direct action and indirect action. Direct action deals with the implementation of protective measures – measures carried out with children and adolescents whose rights are threatened, and with their families, in cases such as violence within the family or exclusion from the school system. These measures aim to ensure that children enjoy basic social rights such as health care, education and the ability to live with their families, if they have been deprived of these rights, or are in danger of being deprived of them.

Such a process requires complementary measures in the area of indirect action. This refers to areas of provincial responsibility (in particular, health, education and justice) where the municipality can only try to influence local implementation of these policies through various institutions (schools, health care centres and family and criminal courts for children and adolescents) in order to:

- Reverse the exclusion of children and adolescents from the services provided;
- Avoid institutionalization for reasons of poverty;
- Avoid early entrance into the labour market, with the aim of eliminating child labour.

Structure of ODNNA's working team

The team was established to address the need to combine a number of areas of expertise: law, social work, psychology and field experience with child-related problems.

It should be stressed that the team members are not decision-makers, but rather facilitators recognising that nuclear and extended families have the abilities and potential to ensure their children's well-being.

ODDNA's Service for the Protection of Rights (Servicio de Protección de Derechos)

ODDNA deals with varied situations, but its response to these generally has the following characteristics:

Once a case is analysed in terms of an endangered or infringed right, action is taken to ensure that this right is fully exercised through measures including legal assistance, direct care, monitoring the case through the Service for the Protection of Rights (*Servicio de Protección de Derechos*), implementing the Programme for Family Reinforcement, awareness groups.

In order to undertake these actions, the Office established a Service for the Protection of Rights and a number of interconnected programmes. In both cases, the aim is to ensure that children are covered by basic social policies within their family and community environments. The difference between the two approaches is that the Unit works with individual cases, whereas the special programmes deal with groups of children with similar situations so as to restore them to their basic areas of socialisation.

The Service is a key structure inside ODDNA and responds to requests for action. These requests may come from institutions providing services to children and adolescents (schools, health-care centres, NGO's, etc.), or from children and adolescents themselves, or from their families.

The main thrust of its activities is to intervene in situations where rights are threatened or infringed using early warning systems and making use of trained community-based agents (rights-advocacy workers) in intervention strategies.

3.3.3 The Service for the Protection of Rights and the Prevention of Institutionalization

One of the tasks of the Service for the Protection of Rights is to ensure that children remain with their families and in their communities and to avoid coercive action on the part of courts leading to institutionalization.

If, for example, the Service is confronted with the case of a child or adolescent running away from home, it will mobilise resources and implement strategies to bring that child or adolescent home or allow him or her to re-define their situation outside the family in a clear and responsible way (since in some cases the child or adolescent may have run away from home as a result of having suffered violence or abuse and there may be no way for a return to the biological home to be made) without this causing the loss of affective or community bonds.

In these cases the child or adolescent is contacted, the family is interviewed and an attempt is made to solve the problem by clarifying the issues in the conflict before a report is made so as to give priority to the well-being of the child or adolescent and the protection of his or her rights.

When it is not possible for the child or youth to return to the family immediately, temporary placement with a support family is sought to provide the child or youth with a home for the duration of the process.

Goals

➢ To seek effective procedures and ways of implementing the rights of children in cases where they are endangered or infringed. In doing this, special emphasis is given to the willingness and the right of all individuals – including the child or adolescent involved – to find their own solutions to their problems and to participate actively and assertively in defining any action relating to them.

➢ To establish a community network to promote the development of these procedures and mechanisms, to combine various areas of knowledge and ensure ongoing institutional coordination.

➢ To provide free multi-disciplinary legal and social assistance to children and adolescents who are victims of offences or are accused of committing offences.

➢ To reinforce family environments, extended families and communities as the natural settings for care and protection of children.

➢ To aid families to perform their functions in bringing up children.

Functions

Legal representation and counselling which is provided so as to:

- Seek solutions to social conflicts outside courts whenever possible;
- Promote access to justice whenever legal situations require this: e.g. guardianship, custody, etc.;
- Provide alternatives to institutionalization with the participation of children and families and making use of inter-institutional agreements;
- Provide legal representation for adolescents who have broken criminal laws;
- Present requests to courts for judicial protection of rights whenever necessary.

Designing and implementing social strategies, which requires the following:

- Network activities to strengthen families and their integration within the fabric of the community;
- Co-ordination with intermediate institutions to establish a new outlook and construct new approaches to rights-infringement issues;
- Actions geared towards identification and promotion of the 'potential' of families and communities with a view to strengthen family bonds, and consequently further the development and maturation of the child;
- Institutional interventions: problem-identification and the establishment of agreements with schools, community organizations, health-care centres and others providing services to children to fill the gaps and correct the failures that cause exclusion from the coverage of basic social policies.

Operational strategy

Interdisciplinary work

An interdisciplinary strategy ensures an approach that confronts the individual, intra-family, community and institutional factors behind the threat to or infringement of rights and allows identification of the human and institutional resources required to protect these rights.

The Service employs psychologists, social workers and lawyers. The use of lawyers, which is not very common in child-related social work, is due to the focus on children as individuals endowed with rights and not as objects to be protected. Their main tasks are to:

- Train the rest of the team to distinguish between problems which are solely social and those which involve legal conflicts;
- Represent individual cases and advocate the respect of the child or adolescent's right to be heard in all judicial procedures;

- In civil proceedings, seek out-of-court agreements with the support of the rest of the team and apply for their judicial recognition;
- In criminal procedures, represent cases, ensuring that guarantees are implemented and that the trial complies with the provisions of Art. 40 of the CRC.

There are certain skills required of every team member in addition to their professional abilities, including:

- An understanding of institutional resources and an ability to link them to the intervention strategy;
- Relating to children and youths as individuals with full rights;
- Making their presence felt in a proactive and productive manner to help resolve the problem;
- The ability to discover, develop and mobilise non-conventional resources;
- The ability to use creativity as a technical tool in every situation.

Contact circuits (*Circuitos de abordaje*)

A 'contact circuit' is the series of institutions and processes that accompany the growth and development of the child or adolescent. Action is taken along this path to change the way institutions operate and to achieve comprehensive care with clear agreements covering the approach to each situation.

A 'circuit' is not a rigid and fixed structure, but is constantly modified and reformed as new actors become part of the process.

The term 'circuit', describes the situation when a child's rights are threatened or infringed: first it is necessary to identify who is at the root of the situation (mother, father, school, health centre, etc.) and who should protect the right and avoid future infringements. Once these two parts of the equation have been identified, one can construct clearly defined spaces involving the child, the family and the community referents and institutions involved. Within these spaces agreements are made to define the responsibilities of those involved, the aim of the action, and the strategy to be put in place.

This definition led to the establishment of a new way of operating, which implied a new outlook and the overhauling of previous practices.

This began with a diagnostic survey of the global situation of the child. Based on its findings, a number of agreements, adapted to meet changing circumstances, are drawn up between the various actors involved. The service is not conceived as a fixed institution, it develops according to the new forms of intervention applied and thus continually reviews the models it adheres to, clarifies the initial assumptions and establishes new measures to supplement existing ones.

The Service for the Protection of Rights has defined three contact circuits to ensure the effectiveness of rights to health, education, physical, social and psychological integrity and guarantees.

Outreach: rights-advocacy workers

The operating strategies described cut across programmes and services and basically involve the community through rights-advocacy workers, so as to extend the protection service and reach out into the community in a more effective and efficient way.

The work of the rights-advocacy workers is based on the notion that if the CRC is to have a positive impact on the lives of children, it must become part of the common consciousness of individual adults and the community.

Rights-advocacy workers are trained to become part of the community, co-ordinate community resources and participate in the following tasks:

- Modification of community practices which threaten and infringe rights, using the Convention and the Doctrine of Comprehensive Protection as frameworks;
- Promotion of a basic understanding at community level of the features of the CRC and the Comprehensive Protection Approach and their links with human rights;
- Acting as facilitators in situations where children's or adolescents' rights are threatened or infringed;
- Being active parties in defending, promoting and protecting rights;

- Acting as reference points within communities by establishing adequate methodological resources;
- Supporting families in strategies to restore rights.

This outreach strategy on the part of Rights Advocacy Workers is carried out in parallel with the care provided by the officers of the Service for Protection of Rights at community level.

Development Programmes: general characteristics

The implementation of programmes directed at groups of children and families, rather than individuals, also provides a support network for the Service for the Protection of Rights. These programmes relate to various articles of the CRC and attempt to respond to the measures established by the provincial law. One of the main aims of this activity is to reinforce the relationship established between children and adolescents and community institutions.

The programmes are designed to help children and adolescents who are having problems gain access to basic social services and justice on an equal footing with other children in the Department of Guaymallén. They also aim to keep children and adolescents at school and within their family and community environments by changing the patterns of institutional behaviour that often lead to rejection and discrimination.

These programmes aim to:

- Make individual situations a part of wider responses;
- Train community members to join in the activities proposed;
- Expand the space of, and focus on, children and adolescents inside social institutions.

The programmes can be adapted to meet any changing needs that might emerge. What remains unchanged is the idea of training institutions to modify their patterns of behaviour. The basic working principle is to identify those responsible whenever a right is threatened or infringed and to establish circuits of shared responsibility to ensure that children can return to their families and to school.

The programmes carried out in the years 1995-1999 included:

- Programme of family reinforcement;
- Programme to eradicate child labour;
- Programme for youngsters who have broken the law;
- Programme to reinforce social fabric – 'Interrelating our stories';
- Programme of workshops to produce radio broadcasts – 'Speak Out for your Rights'.

☐ 3.4. CONCLUSIONS[6]

The best part of this experience has been to see something that was just a dream a few years ago become a reality. The way people looked at children and adolescents and dealt with them was transformed and they began to be respected as individuals endowed with rights. However, a number of lessons have been learned, and a number of challenges have been raised.

The Municipal Authorities discovered how many opportunities for action were available at municipal level, and that these could be generated through political commitment and social mobilisation. However, the experience also highlighted the limitations faced by municipal authorities in the dynamics of provincial policies.

Without the positive support of the Province in decentralizing financial resources and administrative procedures, there would have been severe restraints on developing strategies to support families to avoid the institutionalization of their children.

It has not been possible, however, to achieve real coordination with the judiciary to assign clear roles, de-judicialize social problems or implement a system of rights protection in line with provincial laws and the CRC. Nor has it been possible to link social policies with the administration of justice to guarantee the rights of every child and adolescent in the province.

This lack of coordination is responsible for the failure to apply safeguards of due process established by the Provincial law for adolescent offenders. It has also placed an extra burden on ODDNA, which has had to build up consensus on an individual basis, child by child, case by case, institution by institution and court by court.

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[6] Conclusions drawn from Konterllnik et al., op. cit.

However, practitioners found it possible to work with a new paradigm that challenged established knowledge and was underpinned by contemporary national and provincial legislation based on fundamental human rights. They also found it possible to explore joint construction of responsible and sound working methods and to transfer this knowledge to peers in other institutions.

Members of the community were given the hope that there was a system on which they could rely – a system that would work to guarantee their rights and obligations.

Finally, and most importantly, children and adolescents found a space in which they could express themselves freely, exercise their rights and their related responsibilities and relate to their own problems in terms of development and growth. A number of challenges remain, and should be addressed as a matter of urgency.

Challenges at the provincial level

It is essential to bring the institutional reforms of the judicial system into line with the provisions of provincial law, to ensure that the principles of the rule of law are truly extended to all the children and adolescents of the province. In addition, there should be enforcement of Article 184 of the provincial law, which calls for the creation of non-custodial programmes for adolescent offenders.

It is necessary to redefine the child and adolescent sector. This means going beyond the centralized, custody-based system with a range of more flexible institutions that respond to different types of problems, including cases coming from the courts. Plans are needed to move towards a new model of organization, whereby the province maintains responsibility for training and supervision and transforms centralized programmes into decentralized municipal resources. These could be used to respond to temporary needs, in emergency situations, for children whose rights have been infringed, who do not have an extended family or who cannot be placed with a temporary foster family. Such resources should be part of the network of services linked to ODDNA to be established in all the municipalities of the province.

There must be encouragement of the creation of inter-disciplinary rights-protection mechanisms to ensure legal representation and allow the establishment of emotionally supportive networks working closely with children and families. This will make it possible to de-judicialize social cases and ensure that children who have been victims of crimes will receive the physical, psychological and legal aid envisaged in Article 8 of the provincial law.

The conditions of institutionalized children should be under constant scrutiny to ensure respect for their rights, protect their relationship with their families and communities, and prioritise their prompt return to their nuclear or extended families. To achieve this, it is vital to maintain links with the work conducted by the municipalities.

There is a need for more progress in drawing up an institutional agreement between the main actors responsible for ensuring the rights of children and adolescents. These should provide a basis to facilitate agreements to be pursued and consolidated at municipal level.

Challenges at the municipal level

It is necessary to redefine the functions and roles of the Municipal Council for Children and Adolescents and of the Office for the Defence of the Rights of the Child (ODDNA), as the growth of the latter and its active stance on networking for child rights has generated some confusion.

The expansion and guarantee of inter-institutional links are essential, particularly with the institutions of the provincial government dealing with health-care, education, social development and justice, with departmental and provincial NGO's, with various municipal sectors, with employers and trade unions and, of course, with other municipalities. More active promotion of training is required, as well as greater linkages between the members of the Municipal Council for

Children and Adolescents and the local protection services.

It is vital to mobilise and involve institutions in the implementation of the provincial law on Children and Adolescents and the CRC.

In keeping with the CRC, there is a need to develop criteria for the respect of child rights, particularly in relation to the supervision of children's institutions. Greater dissemination of the principles of comprehensive protection is needed to promote public debate on rights violations, and more effort is needed to find ways in which children and adolescents can make their views known.

Examining the progress made by ODDNA and its Service for the Protection of Rights, there is a clear need for greater flexibility and strength within the existing circuits and networks and for the further exploration of interventions that lead families and institutions to take greater responsibility for the well-being of children.

As well as exploring deinstitutionalization strategies, it is important to avoid further admissions to institutions. The fine-tuning of rapid appraisal tools would help in situations where rights are threatened or infringed and more needs to be done to train the community to detect and monitor such cases. Further effort is needed to create an emergency response system that operates around the clock, and to ensure the supervision of children's institutions within the municipality to monitor respect for the rights of children.

Challenges at the ODDNA programme area level

Further work is needed to design and implement ongoing family-guidance programmes to help them improve their caring skills and protective abilities. And, with the support of the Municipal Council for Children and Adolescents and other actors, it is necessary to reinforce all existing programmes. This means implementing measures to:

- Consolidate and expand ongoing activities to keep adolescents at school and provide them with job-training;
- Involve and support NGO's and the community in the implementation of cultural, recreational and self-expressive activities with and for children and adolescents;
- Expand the supply of non-governmental care services for children, adolescents and families faced with problems such as abuse, maltreatment and drug addiction.

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CHILE: THE USE OF RESIDENTIAL INSTITUTIONS AS A FORM OF CHILD PROTECTION[1]

Ana María Farías Antognini*

☐ 4.1 INTRODUCTION

Legislation for the protection of children in Chile gives the State full responsibility for the protection of any child deemed to be in an 'irregular situation'. The cornerstone of this legislation is the Juvenile Law (*Ley de Menores*)[2] first introduced in 1928, which gives the Juvenile Court jurisdiction over the protection of such children. In keeping with the ideology that inspired this law, the term 'irregular situation' encompasses a wide variety of cases, including delinquency, child abandonment and other circumstances where the child may be in "physical or moral danger".

The measures applicable to each child depend on the particular case, but include protection, control and even repression. The judge decides upon the measures in a discretionary manner, guided by reports from technical teams who have evaluated the child's circumstances. SENAME, the National Child Service (*Servicio Nacional de Menores*), which is a specialized body within the Ministry of Justice, normally compiles these reports. Its work is carried out by the SENAME network – a network of private institutions.

The constitutional law[3] of SENAME is intended to assist "Minors in need of schooling as well as those who are in school, whose normal and integral development is at risk; displaying unreasonable conduct and in conflict with the law". This definition, which provokes legal and institutional confusion between the social problems of children, adolescents and juvenile deliquency has been criticized for being arbitary and inappropriate.[4]

When Chile signed and ratified the Convention on the Rights of the Child (CRC) in 1990, it, in effect, introduced another legislative layer to guarantee the rights of the child. Chile now has two coexisting, yet contradictory, laws for the protection of the child: the doctrine on the 'irregular situation' and the doctrine on the protection of the rights of the child; the latter imposes new and increased responsibilities on the State concerning these rights.

☐ 4.2 SENAME STRATEGIES

In order to carry out its role, the SENAME network has developed several strategies targeted at children and adolescents from 0 to 18 years of age as shown in Table 1.

Table 2 reveals a high level of institutional care, which stands at 43.6 per cent of the children in the SENAME networks, excluding the preventive placements that represent 41 per cent of the total. There is quite clearly a tendency to place children and adolescents in residential institutions, rather than looking for alternative measures.

According to an investigation carried out by the Faculty of Psychology at the University

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[1] With thanks to Carolina Stefani for providing fully updated information.

[2] The final text was determined by Law no. 16.618 in 1967 without prejudice to any previous partial modifications introduced by other laws.

[3] Decree No. 2.465 dated 16 January 1979, created the 'Servicio Nacional de Menores' and established the text of its constitution.

[4] This law in accordance with Decree 1.385 that entered into force in 1980, known as the SENAME Law of Subventions, regulates the transfer of funds from the SENAME subvention to institutions collaborating with the network. In 1990 a new mechanism for the transfer of funds was created, and to improve the quality of the existing care system a Support Programme came into being to deal with problems of child prostitution, abuse and drug addiction.

Table 1 SENAME Strategies

Strategy	Care system
Observation and diagnosis	● In institutions ● For babies and infants – institutional care
Protection	● Moderate protection in institutions ● In the family environment ● For children with slight or moderate mental disability in institutions ● For children with severe or very severe mental deficiency in institutions
Rehabilitation	● In institutions ● Controlled liberty ● Day care
Prevention	● Day care centre ● Day care centre for children with slight or moderate mental disability ● Day care centre for children with severe or very severe mental disability

Source: MIDEPLAN. Diagnostic of the simple protection system, SENAME 1997

of Chile in the context of a prevention programme, MIDEPLAN-BID,[5] published in 1997, the existing protection system failed to support family relationships. Over 72 per cent of children remained in institutions for more than one year, and more than 33 per cent for longer than three years. Over time, family visits tended to diminish, producing gaps and ruptures in family bonds.

In spite of Chile's policy of deinstitutionalization, adopted years before, this investigation found that only one third of the children in institutions in 1995 took part in any kind of "leaving programme". The programmes that existed were for young people aged 18 or more, and aimed to help them assume an independent life, rather than reuniting them with their biological family.

Table 2 Number of institutionalized children in SENAME networks

Care system	Total places	%
Protection in institutions	18,100	33.2
Protection for children with slight or moderate mental disability in institutions	1,217	2.2
Observation and Diagnostic Centres	899	1.6
Transit and Placement Centres	1,657	3.0
Rehabilitation conducted within the institution	1,122	2.1
Physical rehabilitation for children with severe or very severe mental disabilities	836	1.5
Rehabilitation conducted in day care centres for children with severe or very severe mental disabilities	3,374	6.2
Physical rehabilitation in day care centres	102	0.2
Preventive placements in day care centres	22,286	41.0
Family placement	3,330	6.0
Protection for children with slight or moderate mental disabilities in day care centres	185	0.3
Controlled liberty	1,477	2.7
Total places	54,585	100

Source: SENAME Department of Planning and Evaluation

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[5] "Diagnostic on the Simple Protection System of the SENAME network", Ministry of Planning and Co-operation Santiago, Chile 1997. Investigation carried out by the School of Psychology, University of Chile within the framework of MIDEPLAN-BID.

4.2.1 Deficiencies and problems in the SENAME network

As an auxiliary arm of the Juvenile Court, the SENAME network has separated children from their family and their normal surroundings, and placed them in residential institutions, confirming its approach to the control and prevention of crime and social deviation. This approach is reinforced by the fact that the police bring children and adolescents in 'irregular situations' before the Juvenile Courts and eventually to SENAME institutions.

Indeed, prior to 1994, juvenile judges could send children to special sections of adult jails as a means of 'protection' when there were no longer any places available in the institutions of the SENAME network.

The changes introduced in the 90's tended to replace internment measures with new alternatives for the reintegration of children and adolescents with their family and with society, with particular focus on the following methods:

- To develop alternative measures to institutional care, particularly for children, regardless of whether they were accused of an offence;
- To gradually direct the SENAME resources towards more innovative programmes aimed at strengthening family bonds and allowing the child access to community networks;
- To create specialized programmes for adolescent offenders, offering them free legal representation;
- To standardize and improve the transparency of procedures for adoption; reduce fraudulent practices and the international traffic of children.

However, the lack of radical institutional and legal reforms explains the persistence of many of the traditional problems and the under-development of services within a system that leads to abuse of the rights of the child and adolescent. Unfortunately, the SENAME network continues to be characterized by:

- Excessive use of placement of children in residential institutions – often a result of the poverty and marginalization of their families;
- Insufficient judicial control of placement procedures, so that the system cannot be challenged by a responsible adult or others concerned about the situation of the child;
- Long periods of institutional care for children in centres for "Observation and Diagnosis" and "Transit and Placement", where few receive welfare assistance, progressing no further than the "transit" phase;
- Lack of adequate response to the expressed needs of the child and family due to the rigidity of the services offered;
- Lack of coordination and interaction with other services and social programmes concerned with the protection, development and social integration of children and families;
- Application of informal sanctions on adolescents accused of commiting a crime (with or without deprivation of freedom) without a verified judgment.

4.3 THE HOME OF CHRIST (*EL HOGAR DE CRISTO*)*: AN INSITUTIONAL POLICY FOR PREVENTION AND ENDING OF INSTITUTIONALIZATION

"I would like to be at home with my grandparents, my mama and my sister, all together."[6]

4.3.1 The background

The Home of Christ is a religious foundation created in 1944 by Father Alberto Hurtado who wanted to create "a place for those who do not have a home". The Foundation has a long history of helping those in need and was granted the status of a foundation in 2000. The current mission of the foundation is:

"To welcome with dignity and love the poorest of the poor and especially the old and destitute, those without a roof over their head; to support and welcome the terminally ill and down and outs; to welcome the many children and youth who risk

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*We would like to thank the Foundation of the *Hogar de Cristo* for its cooperation, especially the Children's Section for providing us with material and many accounts that reinforced the interviews that we carried out.

[6] Juan, 9 years of age, two years in an institution.

abandonment, marginalization and lack of opportunity, so frequent in contemporary life."[7]

After some 54 years of uninterrupted work, the Home now has a number of national projects covering such areas as childcare, hospices, and youth in social danger; health and capacity programmes for older adults; community work and individual care. In total, the Home reaches more than 2,000 children and youth at risk every year with a clear policy:

"We wholly welcome with love and efficiency children and youth of both sexes, who are in social danger or in danger of being hurt; we try to instil a process of autonomy which will allow them to assume responsibility for their own lives."[8]

The programme welcomes children and their families whose rights have been violated, or whose stability is at risk as a basic social group. It seeks to strengthen children and families, helping them to rediscover their capacities and focusing on their talents and positive features.

It has developed three programmes. Two of these, the Family Homes Programme (*Programa de los Hogares Familiares*) and the Family Placement Programme (*Programa de Colocación Familiar*), help children considered to be in need of protection by the Juvenile Courts and other institutions. The programmes also help parents who are finding it difficult to fulfil their role.

The third programme, the Welcome House for Women (*La Casa de Acogida de la Mujer*) aims to help children and mothers who have experienced domestic violence. The programme helps stop the abuse and prevents the separation of mother and child. Two additional programmes, the Therapeutic Communities (*Comunidades Terapéuticas*) and the Area Watch and Support Units (*Unidades de Servicio y Apoyo al Area*), are targeted at young people and adolescents who are in difficulty.

The Therapeutic Communities are non-residential or residential support centres promoting the re-education and social reintegration of young people and adults of both sexes who have problems such as alcoholism and drug abuse. Here they are helped to construct a life plan and to take control of their lives based on pro-social values. The same initiatives encourage the reintegration of children and adolescents with their families and schools by building up social habits within a protective environment.

The Area Watch and Support Units organize the registration and entrance procedure for young people from a specific area considered to be at social risk, establishing tailored care plans and interventions for people who are in crisis situations.

In addition, there is the Legal Programme (*Programa Jurídico*) offering legal advice and psychosocial support to children and adolescents, including those who are, or have been, deprived of their liberty, who are subject to a penal process, or whose deprivation of freedom is illegal. The programme also provides legal counsel, if required, to young people enrolled in Areas of Social Risk programmes and to their families. Finally, there is a Helpline (*Consejería Telefónica*) providing support to individuals or families who find themselves in crisis. The helpline provides immediate legal advice and emotional counselling, as well as suggesting steps that could be taken.

4.3.2 Deinstitutionalization: background to the Home of Christ policy

A decade ago the Home of Christ began to develop new approaches, giving more control to those enrolled in the programmes so that they could create their own solutions to their own problems.

This policy of empowerment has been reinforced and is now integral to every programme. While little development has occurred in terms of older adults, due to problems of implementation, the Home has made great progress in the programmes addressing children, youth, those with disabilities and cases of extreme poverty. Again, the ideology is based on the concept that families should be allowed to solve their own problems.

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[7] See http://www.hogardecristo.cl for the mission statement.

[8] Ibid.

Within the context of a policy which began to emphasize the responsibility of the family towards their children, in 1994 the Home of Christ set up an intensive programme which phased children back into their family environment.[9]

The work towards deinstitutionalization has been a process based on internal analysis and a complementary change in philosophy. As well as making use of experiences from within the institution, the Home examined innovative programmes relevant to the problems of children in the institution and their families:

> *"We realize when children come to these homes they become more impoverished, their normal ways of life are lost. They are taken care of by other people, they lose their self esteem (...) and yet people continue asking for help from the home. Then one says: one thing we did wrong – this person has no outside contact and is not able to maintain himself on his own in the outside world."* [10]

Complementary to the internal process, the change in the philosophy of the programmes is also the result of multiple factors that have influenced a lengthy process of reassessment that is still taking place. The guidelines for the analysis were drawn from experiences inside the homes, knowledge of programmes carried out in other countries and other national institutes who use innovative methods, as well as the social reality in which they work. This is reflected in the statement of one of the directors in the sector working with children:

> *"We had to look for different alternatives of child care (...). It is quite common that people raise not only their own children but others as well, and this idea has caught on. Also, the approaches of programmes used in the United States, Colombia, Israel and Argentina have stimulated exchange on a professional level between the Home and other international organizations."*[11]

Some theoretical support for the internal debate derived from the development of the concept of resilience present in Chile recently. Some comments from professionals at the Home of Christ, participant to these new theories, were diffused within the institution and demonstrate their influence:

> *"Paternalism tends to debilitate the development of potential; do institutionalized children manage to completely avoid difficult situations? Simple protection homes cannot replace the role of the family, the objective is to protect and prepare the child for reintegration into the group of origin."*[12]

And the following:

> *"In our institution we observed a certain uneasiness towards the need to eliminate and clarify the risk associated with care assistance. We recognise that although in many cases care assistance is necessary, it is not the best way of promoting the resilience of a person."*[13]

The institutional programmes that began to be developed were reinforced by the methods used in Italy, where the main approach was based on deinstitutionalization within the framework of the Convention of the Rights of the Child. This is the approach that now guides the work of the Home of Christ with children and youth.

4.3.3 Current strategies for prevention of deinstitutionalization

Family Homes (Hogares Familiares)

For more than 30 years the Home of Christ has conducted a Family Homes (*Hogares Familiares*) care programme for children. The programme's main objective is:

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[9] Home of Christ, Children's Section: "Evaluacíon de los egreses de los Hogares Familiares ocurridos desde 1994 a 1997", Santiago, January 1999, p. 5.

[10] Interview with Benita Baranda, director of Social Assistance in the Home of Christ, November 1999.

[11] Interview with Cristobal Artega, director of the Children's Section in the Hoome of Christ, November 1999.

[12] In *Enlace Review*, published by BICE-DISOP. Statement by Juan Carlos Marquez Mora, Director of the Home of Christ, Parral.

[13] In *Enlace Review*, published by BICE-DISOP. Statement by Samuel Munizaga, Therapeutic Community, San Francisco de Asis.

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> *"To offer temporary protection in a home to children whose rights have been violated, to children who display agression towards tuition or whose parents or tutors represent serious impediments to dealing with the situation adequately. To provide the necessary conditions for their integral development, based on Christian activities and values, recognition and respect for their own family of origin and constantly promoting family reintegration."*[14]

These Family Homes maintain a way of family life in houses that are run by parents, or a mother, nominated as Head of Household. Together with their own children these parents welcome a maximum of 16 children in each house, carefully located so that children can take part in the activities of the local community, such as schools, churches and scouts.

While a child lives in the Family Home, a technical team will work with his or her family to address the problems that caused the child to be removed in the first place. The priority is to decide how long the child will stay in the Home, which is dependent on overcoming these problems and the evaluation of each case. An individual plan is created in collaboration with the family, including tasks and goals to meet the needs of all concerned.

This methodology uses many interventions and is more a group effort than an individual one. It includes life skills workshops, workshops for parents and children, group workshops for children, collaboration with rehabilitation and alcoholism units, pyschological care programmes and, on occasion, psychiatric and medical care programmes. There are also programmes for permanent follow-up with children and families through home visits and contact with community social networks among others.[15]

Once the necessary interventions have been implemented, the family situation is re-evaluated to assess the possibility of the child's return, working towards a fixed date and developing a support plan for the family group if necessary. This takes the form of material aid (money, delivery of a food basket, clothes, equipment, etc.) as well as emotional support and more general aspects, such as subsidies, linking the family with community networks, and so on.

The Family Reconciliation Programme has been of great importance in the process of deinstitutionalization. The programme, launched in 1994, works with both family and child to prepare them for the child's homecoming. Between 1994 and 1997, half of the participating families withdrew their children from institutions – most of them children who were at least six years old and who had been in an institution for more than three years.

This new approach meant a shift in the system away from the institutionalized mindset. It changed the mentality of the bigger institutions to the acceptance of groups of 30 children, with new quotas of 16 children as a maximum, to create a more natural home environment. The transformation in the programme has led to a continuing awareness and on-going assessment.

> *"It is a subject that we have discussed at length. If we are in favour of a policy of not institutionalizing, then why maintain homes? Finally we realised that it is a good thing that we continue to exist as an alternative to the courts, because we are sure that the moment the child enters one of our homes, we begin immediately to work toward their departure back into family life."*[16]

Thus the Family Placement Programme, another strong feature in the area of protection for children in the Home of Christ, also came under examination. Previously in family placements one did not work towards the departure of the child and even when a child entered a home they were not allow to go out for a month so that they would get used to the enviroment, but this proved to be a perverse practice. Thanks to a substantial change of methods and mentality, currently a child must return to the family or to a relation within a week.

The transformation of the programme has meant that instead of a methodology of traditional family placement, the approach is now more related to the needs of the child. That is to say that the child may be placed with a parent, aunt, grandmother or a responsable adult close to the child, even neighbours. Such a change has been brought about by the belief that it is better not to separate the child from his/her natural family and environment, not to cut family ties, and to maintain communication.

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[14] Home of Christ, internal document. "Presentación Hogares familiares", 1999, p. 1.

[15] Ibid.

[16] Interview with Mónica Esposito, Director of Social Programmes, Home of Christ, November 1999.

The current approach in the field of family placement is to end traditional long term family placements and to maintain the Family Homes only for those who require them. This proposal is combined with the protection programme because, although programmes of traditional family placement may be preferable to any institutional response, a foster home will still be in an unknown family and strange environment for the child – a situation that may be traumatising.

New solutions have been created in cases where there is no mother or family who can assume responsibility for the child. A search for another family, a relative or even a neighbour who can take the child, is undertaken instead – an approach that now constitutes a recognized form of institutional withdrawal.

The Home of Christ has incorporated a two year follow-up plan for the children who have left, and makes a concerted effort in this area. While follow-up is complex and demanding, it is absolutely necessary to avoid the risk, in particular, of re-institutionalization during the first year, the period when most problems tend to arise within the family.

Another issue addressed by the Home is that of adolescents who do not want to stay in the foster home and would prefer to return to their biological family, regardless of the circumstances. The Home does not oblige the adolescent to remain in the programme, recording such cases as non-successful withdrawals to SENAME, the public institution responsible for protection. In this case the institution still maintains follow-up to the case or tries to provide another solution.

Prevention of institutionalization

As we have seen, the Home of Christ maintains an integral policy in family reinforcement and deinstitutionalization of its beneficiaries. However, the work carried out with the children is not limited to specific institutionalization programs, but includes all other interventions that might favour deinstitutionalization and prevent internment.

One of the most innovative programs in the field of prevention is the House of Welcome for Women (*La Casa de Acogida de la Mujer*). This is a refuge centre provided by the House of Christ for women and children, victims of domestic violence.

Previously, the traditional alternative in these cases was to protect the child by favouring his/her internment thus leaving the fundamental problem unsolved. However, reflection upon the importance of mother/child bonds and the implications of mother/child separation, lead to a programme where mother and child were both cared for.

The change meant a methodological challenge, since the program initially came about as an adjunct to shelter, and should have been closely related to work with children since the aim of intervention was founded in trying to avoid the separation of mother and child. This required a more systematic methodology and today a state subsidy from SENAME is available for these children. Through the programme the mother and child are provided with a house, therapist and psychologist.

Another program that helps prevent institutionlization, though this was not the original objective is the Therapeutic Feminine Community Manresa (*Comunidad Terapéutica Manresa Femenina*). This intervention is designed for the rehabilitation of women and welcomes mothers with their children. The programme responded to the needs of women who were undergoing treatment and did not have anyone to look after their children.

Previously this program urged the mother to commit the child voluntarily to an institution, whilst she underwent her treatment. When the mother's treatment was over, the child would rejoin the mother. However a pyschological bond would be broken, and the programme indirectly lead to an unhealthy institutionalization of children.

Both programs aim more at prevention rather than directly at a process of deinstitutionalization.

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> *"We realize that the most important social capital that a child possesses is the family; the idea is to maximize that capital and not to squander it."*[17]

Other initiatives taken by the Home of Christ that support prevention of institutionalization are the interventions aimed at areas of extreme poverty in different urban zones on the outskirts of Santiago. The settlements are mainly formed by female heads of households living in destitute conditions. In these difficult situations, the woman is considered to be the basic resource in breaking the poverty cycle. Nevertheless it is necessary to provide support so that she can join the labour market and find a solution for the care of her child. The only other solution is internment.

Compared to the previous situation, the main objective of the work carried out within these impoverished areas is to help the community assume responsibility for the care and protection of the children who live there. In order to achieve this goal a series of programmes has been generated that are administered and executed by the women within these poor urban areas. The local mothers themselves run programmes such as creches and 'The Children's Corner' and 'Walking with St Gregorio', all programmes that are designed for recreation and child care. The Home of Christ supports these initiatives by training the mothers and providing them with basic educational materials for the children.

☐ 4.3.4 Achievements and challenges

In spite of the difficulties, important achievements have been made in strengthening the implementation of a new philosophy in the programmes of the Home of Christ. One of the main challenges has been to create a completely new mentality among staff. Training courses have been held by professionals to communicate the new methods and ideas to social assistants, educators, managers of family homes, with the aim of harmonising the initiatives directed towards children.

Despite the initial resistance, time has shown that important and valid results have been achieved, thus supporting the implementation of a new working philosophy and resulting in much enthusiasm and great involvement from the technical teams in charge of these programmes.

> *"For example, whenever a children's home is closed, the children are reorientated to a therapeutic community; before these were heavily controlled, but today they have become small homes, often very pretty houses."*[18]

In addition, the professional and technical teams now listen to various requests from communities that relate to the programme being implemented. The work in the areas of extreme poverty has benefited from the homogenous situation of those who live there, with many people confronting similar issues and problems. However, interventions to promote the deinstitutionalization of young people, or those with drug addiction problems, are more difficult, as many communities see these individuals as a threat.

One of the main obstacles for the diffusion and implementation of these new concepts and methodologies is a lack of dialogue with other institutions that continue to protect the child in a more traditional way and that are reluctant to discuss new approaches.

> *"The vision which we have in the home is not accepted by everyone else. For example, there are institutions that justify their existence by creating homes, then the institutions become slaves to their programmes, they are devoted to their routine."*[19]

☐ 4.3.5 Deinstitutionalization from the perspective of the children and families

Recent changes have been reflected in concrete examples of deinstitutionalization in terms of Family Home Programmes. The children and families who have been part of this work have made frank comments on the progress and problems they have experienced in the long process of withdrawing from the institutes and reinsertion into the home.

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[17] Interview with Cristobal Arteaga, Director of Children's Section, Home of Christ, November 1999.

[18] Interview Benito Baranda, Director of Social Affairs, Home of Christ until 1997, November 1999.

[19] Interview with Mónica Esposito as above.

The Home of Christ, conscious of the enormous change imposed on the methodology of care in protection programmes, carried out an evaluation in 1999 of the number of cases that went into foster homes between 1994 and 1997, in the light of the new policy. This was a follow-up, several years later, to cases of children who had left homes, with the objective of evaluating the present situation of these children in their homes, and at the same time validating the new policy.

Together with the background gathered during the evaluation for departure from the Family Homes, cited below are the testimonies of children and young people who have been in homes run by the Home of Christ, in order to give an account of the valuations by those involved in the institutional transformation concerning children subject to care and protection.

Experiences inside the Family Homes

It is clear that the main reasons for the placement of a child in institutional care were related to the socio-economic and psychological conditions of the family as well as the child – a complex set of problems summarized by one child as follows:

> *"At the time we had various economic problems. My mother worked, but my father could not work because he had to stay and take care of to me and he did not understand that I had problems within the family, with my brother."*[20]

It is clearly evident from the accounts given by these children that the experience of living in an institution is one that deeply marks their lives, especially the moment of the separation from the family, but the stories also show that, in time, a great percentage of cases come to terms with the routines of the homes:

> *"... it was difficult at the beginning, it is upsetting to move away from the family, but later it gets better and you also realize the advantages of being an intern; food, shelter, health care - everything."*[21]

Of the children surveyed in the evaluation, up to 90 per cent considered their stay in the Home of Christ as beneficial, and 95 per cent felt that it had helped them, particularly in relation to the care received in comfortable surroundings. Also the survey states that the education they were given was highly appreciated as were the good habits formed and recreation through walks, having friends and sharing with others.

> *"It was good, it made me learn other things, to live in another way, a more welcoming world."*[22]

As well as the moral standards the child learns during the time in an institution, in some cases the perspective provided by the home also helped them to decide on a better future. These opinions are mainly from older adolescents who spent longer periods of time interned.

> *"If I hadn't been in there I would now be on the corner shooting up."*[23]

> *"I am convinced that if had not gone to that home I would have ended up a drug addict on the street."*[24]

The children and young people recognize that a change took place during their stay in the homes, one that enriched the relationship between them and their families, particularly the new system of family visits.

> *"My relationship with the family was always good. They took me out at weekends, and after a while I began to go out on my own. They took me out every 15 days – that was the rule of the home before. Now it has changed. Before one could leave for a day every 15 days, but now it is every week. There were many who could not take the system and ran away."*[25]

Nevertheless for those who had been accustomed to the traditional methodologies, the new ideas were not easy to implement or to understand, a situation that embraced not only the professionals and workers but also the children staying in the Home of Christ.

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[20] Interview with Rodrigo, aged 20, five years in institutions, November 1999

[21] Ibid.

[22] Interview with José, aged 13, three years in institutions.

[23] Nelson aged 18, ten years in institutions.

[24] Rodrigo, as above.

[25] Ibid.

> *"There were some who could not bear not seeing their family for 15 days and acted like idiots and loudmouths - but this began to stop the more often they saw their family. Personally I was fine for 15 days but after this, when I began to see my family every week I began to want to see them more often. I don't know what will happen to the young ones whose families cannot come or want to come every 15 days perhaps."*[26]

The return home

It is interesting to note that thanks to the new method of working with families, and when the objective from the beginning is the return of the child, in the majority of cases it has been the families or responsible adults, primarily the mother, who have requested that the children be returned to the family. The request is generally made because they want the family to remain united. Most of the testimonies concerning return describe a feeling of distance from their children and a desire to live with them. As in the case of the mother of Claudio, aged 5, who was interned for a year: "*I took him out because we were suffering.*"

Other factors in the decision to request the return of the child by the family are often linked to an improvement in the socio-economic situation, or the end of a temporary setback. Such was the case of Hector's mother, who took him back to be with his brothers:

> *"I asked if I could be with them and they let me out of the department."*[27]

One of the few cases of a father looking after the children was that of Isaías and Miriam, whose father said,

> *"I never wanted to send my children to a home but I had no other choice because my wife was sick."*[28]

However, many of the requests come from children and young people themselves, as in the case of Johana and her brother who asked to leave the home. Their mother enquired as to who had made the request and was told it was her children:

> *"The children asked because they didn't want to be in a home."*[29]

Once outside the care homes and starting a new life, both the children and their families face a new set of challenges, as well as opportunities. Mothers, fathers and other adults now responsible for a child were asked about the child's state of mind on leaving the home. Most, 75 per cent, said that it was a good experience, while only 6 per cent say that the child was uncomfortable.[30] One mother pointed out that her son was very happy to leave the home but, "*he will always resent me for sending him there.*"[31]

The same uneasiness was felt by children when they were asked about how they felt at home after their recent internment. The result showed 76 per cent responded that they were happy, 13.5 per cent all right and only 9.5 per cent were not content. In the great majority of cases analysed there was a feeling of happiness on leaving the homes and being with their family again, where the figure of the mother and contact with brothers and sisters were highly valued. Johana's account of her feelings on leaving the home shows this appreciation:

> *"I always wanted to be with my mother. I am happy (…) I always want to be with my mother."*[32]

As well as the high esteem felt for the family, the majority of cases felt that the family was one of the most important things in their lives. 40 per cent said that being with the family has been better since leaving the institute[33] as can be seen from the following confirmations on being asked which was better:

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[26] Ibid.

[27] Mother of Héctor, aged 9, four years in an institution.

[28] Father of Isaías, aged 12 and Miriam, aged 11, both seven years in an institution.

[29] Mother of Johana, 11 years old, 3 years in detention.

[30] Op. cit. Home of Christ , 'Evaluación….', p. 14.

[31] Mother of Cristián, aged 14, four years in an institution.

[32] Juan aged 16, seven years in an institution.

[33] Op. cit. Home of Christ, 'Evaluation…' p.17.

"To be with my mother and my brothers."[34]
"To have my brothers with me."[35]

There were some, however, who had different views on their return home, perhaps because their relationship with their family had not changed sufficiently, or because they found that the conditions in their own houses were inferior to those of the institution, among other reasons. One child who had been institutionalized for several years was critical:

"It was the same when I entered the Home. That is, I did not like it. The house has a different atmosphere - it is not like the Care Home, the Home is much calmer. In the house they shout at night, there is more noise. For example the first time I stayed in the family house I woke up three times in the night. There are a lot of drug addicts here."[36]

Mothers remembering the moment of their child's homecoming have strong, and sometimes contradictory emotions, including happiness and guilt mixed together – happy to be reunited with their child, and guilty for having been separated in the first place. Lucia's mother said,

"I felt relieved, I did not want them to continue living in the homes."[37]

And the moment of return to the family is often one of great happiness:

"Her brothers (stepbrothers) were very happy, It was a joyful time for all."[38]

Leaving the institution behind

Asked about their life now, most children over the age of six feel good at home. They feel that they receive better treatment and describe themselves as feeling better when they are with their families. They describe the experience in terms such as: "*We are together, it is beautiful, we love each other, they want to be with me, I want to be in the family.*"

However, some of the children described a feeling of malaise when they left the Care Home, in some cases related to problems within the family, and in others, the result of external pressures linked to their time in the institution. Roberto, for example, did not feel at ease at home because, "*The neighbours discriminated against me because I had been in the Home of Christ.*"[39]

The first year after a child leaves an institution is often very difficult for the family, with continuing crises that may well result in the child being sent back to the institution.

One of the most difficult issues is the resumption of communal life with brothers and sisters who may often feel that the returning child is taking over their space. Many youth who were interviewed said that they did not get on well with some family members. Relationships with other children in the family are often the most problematic, and the institution has designed specific programmes to deal with this issue.

From the mother's point of view, the most difficult thing in those first months after the child's return is helping the child re-adapt to family life as well as coming to terms herself with the resumption of care and rearing the child. Other problems may include the economic difficulties of keeping another child in the house, or even the child's disobedience and insolence. It is interesting to note that such cases occur more often with mothers who were themselves placed in institutions during their adolescence.

Johana's mother said the most difficult thing was, "*to try and accustom myself to the children, I was just coming out of a crisis myself and could not accustom myself to the situation.*"[40]

Finally, the study asked the children if they would like to return to the Home of Christ, and the mothers were also asked if they could envisage the possibility of sending their children back to the institution. An affirmative answer, although it could be interpreted as a positive view of the Home of Christ, was seen by the Foundation as the rejection of their present conditions of life and a failure to adapt after institutionalization.

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[34] Hector, aged 9, four years in an institution.
[35] Pedro Pablo, aged 8, one year in an institution.
[36] Rodrigo, as above.
[37] Mother of Lucía, aged 14, seven years in an institution.
[38] Isaias and Miriam father, as above.
[39] Roberto, as above.
[40] Mother of Johana aged 11, three years in an institution.

In the case of the children, 77 per cent declared that they did not want to return to the Home, because they wanted to be with their family or because they considered themselves too mature to be in the care centre. These included Luis, who made a poor evaluation of his situation since leaving the Home, due to economic difficulties within his family. However, he would not consider returning to the centre because he was too old:

> *"Leaving the home was not what I hoped it would be, I do not regret having left but it angers me to live miserably like this. ... I will not return to the institute, I have already learned what I need."*[41]

Thus also Rodrigo, who showed a very negative opinion towards the new methods of the Home in returning children to their families, on being asked if he would recommed that a family who were having similar problems to those of his own should commit their children to an institution replied firmly that such a decision must only be taken in very extreme cases:

> *"I would recommend it, but if it were up to me, I would try to do everything possible so that they (the children) did not have to go to a home. It is necessary to think really hard before considering this solution to the problem."*[42]

In a few cases where the answer was institutionalization, the possibility of returning to the Home of Christ was related to economic problems as in the case of Daniela who said she had thought about returning, "*Occasionally, because we had no food.*"[43]

Coinciding with the testimonies of children interviewed who had a history of living in institutions, the vast majority of mothers were not willing to send their children back into care. Most of the reasons are emotional in nature, strongly favouring the family environment especially the mother who had suffered because of such a separation and consequently wanted to keep their children close.

The following testimonies from mothers whose children had been interned for different periods of time and at different ages, demonstrate the powerful feelings when it comes to re-establishing the bond between mother and child. Asked about the possibility of sending their children back to institutional care, they said:

> *"I wouldn't accept because I don't want them to be locked up and because I know they need me."*[44]
> *"No, I would think about it a thousand times first."*[45]
> *"I would not send my children back ... I have become accustomed to them. I would do anything for them."*[46]
> *"No, because I missed them very much and suffered when they were interned"*[47]
> *"She belongs to me and her mother. I think we would all die if it were to happen again."*[48]

4.3.6 Results and future projects

The general evalution of the new policies implemented in the Home of Christ programmes and carried out by the technical teams, parents and others responsible for the child, and also the report carried out on the children, reveals that the majority have integrated successfully within their families after returning.[49]

Validating the strategy of deinstitutionalization of children, and considering both the serious family difficulties and the positive evaluation of the time spent in the Home of Christ, it can be stated that children want to remain with their families, and mothers want to be with their children.[50]

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[41] Mother of Lucía, as above.
[42] Rodrigo, as above.
[43] Daniela, aged 11, four years in an institution.
[44] Mother of Lucia, as above.
[45] Mother of Pedro, aged 8, one year in an institution.
[46] Mother of Roberto, 2 years old, one year in an institution.
[47] Mother of Humberto, aged 9, Alexis, 11, Jonathan 16, all 2 years in an institution.
[48] Mother of Cynthia aged 2, one yearin an institution.
[49] Op.cit. Home of Christ, 'Evaluation ....' p.13.
[50] Ibid. p. 30

In as far as the analysis conducted by professional teams and technicians in the Home of Christ are concerned, it is hoped to improve the work carried out, in terms of reinforcing the change in the different programmes which are effected on a national level and with different areas and populations. Moreover, the Home has initiated a process of diffusion of the successful results and has incorporated elements of analysis of public policies concerning the protection system administered by SENAME on a national level. They have campaigned for discussion on modification of the existing Juvenile Law and, above all, for interventions that must be developed to benefit the family and institutionalized children. In this way the Home of Christ has recently contributed to and supported State initiatives on this issue, resulting from a process of evaluation and analysis which had already begun.

In addition, the new approaches have had a wide ranging impact, as the Juvenile Justice Courts are now aware of alternatives to institutional care. And the Home of Christ has provided a model for smaller institutes that are implementing innovative programmes.

The Home of Christ has focused the development of its social work on changing social policies concerning children. In this context what it hopes to offer to all other actors concerned, both public and private, and to the whole of society, is a new model of care for children and their families, to achieve a better future for the children of Chile.

☐ 4.4. THE RODELILLO FOUNDATION: PILOT PROJECT FOR FAMILY SUPPORT DURING THE PROCESS OF DEINSITUTIONALIZATION

"When she came out of the institute Sandra said that even if we didn't have anything and there was nothing to eat at home she didn't mind, the most important thing was to be together, the rest didn't interest her. Today I asked them what they want for Easter but as everything is so expensive, she says it doesn't matter what we buy, it is all the same."[51]

☐ 4.4.1. Characteristics of the Rodelillo Foundation

The Rodelillo Foundation is a private, nonprofit organization created in 1987 to assist families that were living in social shelters, having lost their means of income. Such families were in grave risk of their children being sent to institutions, possibly for long periods.

The project was founded by Catholic businessmen and professionals who gave the Foundation its name in honour of a speech on the importance of the family given by Pope John Paul II in the Rodelillo aerodrome on his visit to Chile.

The Foundation's mission is: "*The integral development of families in difficult circumstances supported by the general motivation of achieving a better level of social dignity and social understanding in Chilean society.*"[52]

Since 1990 the Foundation has been funded by a number of private members, with state resources provided by SENAME to finance innovative projects aimed at renewing preventive interventions in child care.

The family is the focus of attention, based on the firm conviction that it is the basic element in society and the place where, "*the intensity of both the humanizing and dehumanizing processes are reconciled.*"[53]

The Rodelillo Foundation has a two-fold objective. On one hand it seeks to support low-income families so that they can become autonomous, providing them with a strategy to overcome their own poverty. On the other hand the Foundation seeks to combat social indifference, promoting solidarity and stimulating the social bonds between those who live in similar situations, leading to better social cohesion.[54]

To achieve these objectives, a three way strategy has been developed to:

- incorporate services that will help support the basic standard of living needs for families;

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[51] María Pallalef, mother of Claudia aged 8, one year in an institution, Sandra aged 12, four years in an institution.

[52] Rodelillo Foundation, 'Sistematización del proyecto: Desarrollo integral de la familia con riesgo de desintegración social 1996-1999'. January 1999, p. 4.

[53] Ibid. p. 7.

[54] Ibid. p. 8.

- focus on the work of prevention;
- strengthen proactive education.

☐ 4.4.2 An overview of the pilot project

An innovative approach adopted by the Foundation in 1996 with funding from SENAME was a pilot project to promote the return of institutionalized children to their families and to validate a model for working with families in the same situation. The proposal was transformed into a pilot project whose ultimate objective was to promote the return of the children to their homes and to validate a model for working with families towards deinstitutionalization. The objective established was:

> *"To generate closer bonds between children and families in a recreational atmosphere, to promote and strengthen affective ties and to aid the process of deinstitutionalization."*[55]

The basic method to be used was that different types of children's Homes following the 'Simple Protection' policy and administered by SENAME, would direct families who had children in institutions towards the Rodelillo Foundation so their intervention could be implemented with the child and the family in a combined effort with the institution where the child was living.

The initial criteria for participation in the project were: the existence of a tutor or a family who would be responsible for the child; families with institutionalized children under the age of 12; children in institutions as a result of family economic problems (ruling out families with severe pathologies); children in institutions for less than three years; and, finally, that the families themselves had expressed a desire for the return of their children.

However, these criteria were not always fulfilled. The main characteristics of the families that participated were that they were living in inadequate and impoverished conditions, with overcrowded living quarters, poor nutrition and in areas of high social risk. These families were usually headed by a single parent – generally a mother, who may sometimes live with a partner who is not the child's natural father and whose average age was around 30.

Given the structural characteristics and social condition of these families, when they arrive to participate in the programme they are already living in precarious conditions such as overcrowded living quarters, in areas of high social risk, or are under-nourished.

These families also faced exploitation, with those adults who were employed working in menial jobs for long hours and on very low wages, often having to travel long distances to and from work. They tended to be poorly educated and, in many cases, had minimal levels of literacy and numeracy.

There were many problems in interfamily relationships and parental bonds, characterized by a lack of affection for children, lack of interest in their schooling, a poor relationship between the partners and little communication within the family in general, especially between fathers and sons. The families did not try to retrieve the children living in institutions, showing a state of resignation and a lack of hope for better relationships in the future

One important gap within these families is their lack of ability to create or exploit support networks within the family, the community or wider society. This means that they are locked into a welfare mentality when it comes to the provision of goods and services, and are reduced to a passive, rather than active, situation. This severely limits their ability to influence the public, community and social structures available to them.

It was also possible to detect specific characteristics within some families, such as mothers who were abused within their own families, parental alcoholism, and cases of sexual and physical abuse. In some cases the parents themselves had spent periods in institutions when they were children.

Methodological aspects

At first the project organized workshops each Saturday, so that adults who worked long hours throughout the week could attend. However, these meetings were eventually cancelled as family attendance dwindled.

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[55] Ibid. p. 240.

Interventions for families paralleled the work that the Foundation traditionally carried out with families in need. The aim was to promote a group identity among these families whose children were in institutions, and strengthen work through a common objective – reuniting the family.

The model used was based on a combination of incentives in various areas and the provision of direct services. Family members also received therapeutic support after working hours and extended sessions when required. Areas included in the project were:

- *Mental health:* for psychological diagnosis and therapeutic care in families where the mother needed help in caring for and showing affection towards her children. This area also focused on solutions for couples with problems and the reinforcement of self esteem within the family in general;
- *Education:* aimed at parents as much as children. Parents were helped to assist their children's return to school once the children came out of the institution. Children received care through school workshops and pyscho-educational support, and this area also addressed the child's emotional difficulties, such as poor self esteem, insecurity, timidity, impulsive behaviour and so on;
- *Recreation:* consisting of encouraging families to take part in group events such as birthdays, sporting activities and end of year celebrations. Children were included in holiday programmes and after deinstitutionalization they went on walks, to the swimming pool or cultural events;
- *Housing:* an area often cited by families as a reason for the institutionalization of children and, therefore, of great importance. All families received instruction on how to obtain a house. The families saw a strong relationship between having a house and family integration as the lack of proper housing meant frequent changes in residence;
- *Health:* health care was given to all members of the family through general clinics and through help to obtain free health care and medication. In some cases, patients were referred to other community health institutions such as hospitals, clinics or consultants to complete the treatment;
- *Employment:* for mothers who needed work placements or support in setting up micro-enterprises.

This methodological model also involved welfare assistance for families that lacked the most basic essentials as a result of poverty. Such families received material benefits from the Foundation.

Every aspect of the work was based on the strengthening and development of family integration, requiring the assistance of every member of the family, as well as the institutions caring for the children. These institutions bear much of the responsibility for the success of the project. The project requires permanent coordination with professionals within the Homes, especially with the social assistants and technical teams, to implement a work strategy without which the project could not function. For various reasons it was not possible to implement the strategy of institutional cooperation.

☐ 4.4.3 Institutionalization and family reunion

To intervene successfully and reunite children with their families, it is necessary to have a full understanding of the characteristics of both the processes involved in institutionalization and family reunion. Estimating the motivations, the problems and sentiments involved in such important decisions, and the huge impact on the child's life, allows an understanding of the complexity of the situation.

The motives for internment

The motives for placing children in institutions are sensitive and in many cases are a combination of factors. Both economic factors – where the lack of housing plays an important role – and the state of mental health of family members, as well as other aspects, may be involved in the decision. Maria Inés, mother of an 11 year-old who was institutionalized for three years, gives some insight into the complexity of the decision.

> *"I first allowed my child to go into an institution because I did not have the means to keep her. It was like tearing my soul out because I had never left her before. I was overcome with grief when I left her but I had to do it because I lived in a hostel and I*

already had problems with the woman who ran the hostel. When she said I would have to institutionalize my child I agreed with her. The decision was also due to the fact that I had no work and, on top of all that, I was suffering from bone cancer and had had two operations. They annihlated a mother when my child was interned."[56]

When questioned about why they had been in institutions, children often mentioned economic problems. Sandra, who was institutionalized for 8 years, explains it as follows,

"Why? Because there was no food in the house and there were a lot of us."
Question: *Did they intern all the other children?*
"No, only me, as I was the eldest there. My cousin was too old to be interned."[57]

Another important cause of institutionalization is domestic violence, including the physical and sexual abuse of the children. A father of one of the girls participating in the project confessed to having abused the child in the period before her placement in an institution. Once he confessed, the decision was made to institutionalize the girl. The mother, who had been unaware of what was happening, describes the moment when she realized the truth:

"I didn't notice anything, but one day he was very nervous and was acting strangely - then he decided to confess to an Anglican priest, and I didn't listen because we are Catholics, ... but I knew it must be something terrible and I went and asked my sister, who told me everything."[58]

Living in an institution

The difference between the analysis carried out by the Home of Christ, and that of the Rodelillo Foundation, is that the latter includes children from different institutions within the SENAME network. However, that does not mean that the experiences themselves were any different for the children involved. Comments such as the following describe individual experiences.

"At first she was fascinated at being in a Home, because she had no idea what it was like. Even now it hurts me to think of it."[59]

The analysis uncovered various consistent problems, such as those related to sexual awareness, the living conditions and how the children were all living in an overcrowded home. Mothers were worried about the situation and identified it as a traumatic experience for the children. As one mother said in relation to her daughter:

"She doesn't want to remember this moment, because it was uncomfortable for her. She said that the girls who were there for longer periods used to get into her bed, I didn't like that at all, because at times they would go into the brothers' bed as well, so I began to explain to my children that what their father did should never be repeated and my child said, 'Don't worry mamma, we would never hurt our sister like that', Since then I have trusted them."[60]

The experience of being interned varies depending on the child's personality as well as the characteristics of the residential home. One of two sisters placed in different institutions described grave differences in the way children are treated:

"We came out on Friday and returned on Monday but they didn't let her (her sister) out at all, it was like a jail. And afterwards the home where Claudia was burnt down and the bigger boys raped a little girl."[61]

The accounts relate very different methods used in the numerous institutions responsible for protecting children. Claudia was later sent to a Family Home where the environment was very different. As a result, she has better memories of this second experience and enjoyed it because,

"... it is like the country. There is a little boy who is five and he has a rabbit, so cute. It was such a cute rabbit that I went and visited it every day.

[56] María Inés, mother of Katherine, who left the institution as part of the programme of deinstitutionalization.
[57] Sandra aged 12, 4 years in an institution.
[58] Interview held with the mother of a child who had been abused by her father, November 1999.
[59] Maria Ines, as above.
[60] As note 58.
[61] Claudia aged 8 and Sandra aged 12, as above.

They gave me a present, they gave me a teddy bear and a cassette."[62]

In spite of the different views that the children may have of their stay in institutions or in protection programmes, when they are asked whether they would like to return to an institution, the answer is a consistent "No".

"No way, not for anything."
"The only thing I liked about the Home was that we went to college, the Home itself I didn't like at all."
Question: *Did you tell you mother at times that you didn't like the Home?*
"Yes, but then again, I knew I was going to get out the following year."[63]

The process of deinstitutionalization

The decision to remove the children from an institutional home is motivated by a series of factors, such as improvement in the economic situation, family support, neighbours or adult groups responsible for the child, feelings of guilt on behalf of the parents or another close member of the family, among other reasons. In many cases it was the children themselves who wanted to be with their families and this is most vividly demonstrated by children who 'escape' from the institutions, including Claudia's sister, Sandra.

"I escaped with a friend."
Question: *Why did you escape?*
"I didn't want to be there."
Question: *What did you do when you escaped?*
"I went to see Claudia (a sister). I stayed there for a while and then mama came to get me and that's how I left the Home."[64]

While there are strong factors that influence decisions in favour of child institutionalization, there are also family and social factors that are vitally important at the moment of deciding when, and how, to deinstitutionalize a child. Families that have previously placed their children in institutions must be able to count on the help of social networks to support them during the process of deinstitutionalization. This situation is clearly evidenced by Katherine's case, given that her exit from an institution was the result of a offer to the mother from a neighbour to be responsible for care of the child. Katherine said,

"I was in the Home for a year, and later they allowed me out because a lady offered to take care of me while my mother was at work. They allowed me out at weekends and I did not want to go back because I didn't like it there, I told the lady who was looking after me for a while, that I never wanted to back there again, and she said she would tell my mother".[65]

The lack of social networks found in the initial diagnosis of families participating in the project is a feature that recurs throughout the process, including the decision to place a child in an institution. The interventions taken must therefore reinforce links to any relevant support network. As one project worker said,

"There were families that had never even taken a walk around their neighbourhood, they didn't know how to reach the Rodelillo Foundation, had no network of friends, no institutional networks. They were families that were very isolated .... The families received very individualized treatment in whatever way Rodilello could help and receive them. This welcome allowed mothers to develop bonds of confidence and this translated into the idea of reunion, an idea which at first seemed impossible, but began to become a hope and later transformed into reality."

In this context the intervention of the Rodelillo Foundation has been greatly appreciated by the participating families, particularly for the human relationships established through contact with social assistants and the staff within the institution in general. In addition, many mothers realized as a result of this intervention that there were many other mothers in the same situation. Maria, referring to her experience, talks about other families with children in institutions:

"I will tell them that if they can get to Rodelillo, if there is a vacancy they should join, because at times

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[62] Claudia aged 8, one year in an institution.
[63] Claudia, as above.
[64] Sandra, as above.
[65] Katherine, as above.

there are people with huge, huge problems and as the psychologist said, I should be thankful that I have got through this. Anyone can move ahead and have support from the Foundation"[66]

The technical teams responsible for setting up the project found that the main ingredient for the success of the intervention in very poor families is the bond between mother and child. This link is transformed into an essential instrument for bringing about a change in concepts of culture and society within the family, over and above all other requirements. As one member of a team said:

"The families who are really ready are those that we discover have a strong bond of affection with the child."[67]

The return home

The bond between mother and child is reinforced at every stage of the process of deinstitutionalization to strengthen the feeling of reintegration with the family. As the Director of the Foundation said,

"Our point of view is that no matter how good the Home is or no matter how precarious the family situation is in terms of poverty or lack of material well-being, a family is always better than an institution for the child's development(…). It is more important to try to support the family in resolving their problems and strengthening their capacity through programmes and social networks instead of replacing it with alternatives that cannot offer the same relationships and experiences of life for full development."[68]

The programme also works with parents who were themselves institutionalized during their childhood, listening to their own experiences of being abandoned and maltreated as children, and helping them to make a connection between their memories and the situations their own children were experiencing.

This process continues during the period of adaptation when the child returns home. The conflicts that occur in this period are often linked to such basic problems as dealing with the child's bad behaviour, and getting accustomed to each other once again. As one mother said:

"It is difficult having the child in the house, difficult enough, for our way of life, her father's and mine. … she isolates herself and won't accept being told what to do, even the people from the project told me that I would have to give her time as, after all, she spent four years in the Home."[69]

Another complication in the process of reunion is the idealization that may have developed, both for the mother towards a child she may have only seen at weekends, and for a child who may have idealized the family and home. This produces communication problems and creates other situations that combine to put the family under considerable stress.

"When I went to get her I said, "Daughter - now we are living alone, we are not with Aunt Angélica". But when she arrived home she saw how poor we were, all together. We will be alright here, I said to her, we will organize ourselves, but she put her arms around me and started to cry. I don't know how she had imagined this moment … I thought she was crying because of the state we were in after she had come from having everything … But in the Home she had everything except her mother and her family."[70]

Despite such problems, most reunions are described as positive by all concerned. The children show great happiness when they remember the moment of leaving the institution and returning home and, even with the passing of time, still want to live with the family. For their part, mothers are also positive and recognize a change in the relationship with their children, as well as in their own lives, for the better.

"There is a change in that I treat the children better and they behave better with me. Before, I used to really punish them, now I don't punish them at all, I talk to them or tell them off but that's all … and

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[66] María Pallalef, as above.

[67] Group interview of social assistants on the project, Rodelillo Foundation, November 1999.

[68] Oriana Zanzi, Director of the Rodelillo Foundation, November 1999.

[69] María Pallalef, as above.

[70] María Inés, as above.

that is the best thing that has come out of all this. All the meetings with the psychologist have been a great help, now there isn't any abuse like before."[71]

The families that achieved success in bringing their children home demonstrate the validity of a cultural and value change in a process where they themselves were the main actors.

Such change comes about slowly as families begin to resolve some of their problems, and in a way that makes them feel capable of providing for their family and, therefore, of being reunited with their child. Supported by the Rodelillo Foundation they discover that other families with similar problems manage to keep their children and live as a family.

On their side, the children participate in this change and reflect on their time spent in the institutions. One project assistant said,

"When the children see that there is a supportive institution, in most cases helping with incentives and offering to assist towards deinstitutionalization, they do not want to return to the institution."[72]

Katherine expressed a strong rejection of the idea of institutional care, a rejection learnt from her own family in the process of her return home, and when asked what she would say to a mother who had a daughter in a home replied:

"I would say, go and take her home, because she is suffering and her mother too. Because my mother told me that when they put me into the care institution, she wanted to keep me at home and she started to cry and I was crying in the care home. I would say to a mother that her daughter was going to suffer perhaps more than her because she was the one who put her there and had no choice."[73]

4.4.4 Results of the pilot project

The project encountered implementation difficulties from the very beginning due to planning problems, particularly in the complex procedure, carried out by the institutes, of selecting and evaluating families.[74]

There was a high drop-out rate. A large percentage of the women that declared a desire to start the procedure of deinstitutionalization of their children dropped out in the first stage. One explanation given by project wokers was:

"They weren't really motivated. It wasn't in their plans to take the child out, because they would be creating a problem as big as the one that led to their internment, it was an interruption in their plans."[75]

Due to insufficient collaboration between the institutions and the Foundation, it was impossible to develop a methodology that would embrace all the actors involved. While it was possible to work with families to modify the traditional methodology of the Foundation and with the children through various workshops, it was not possible to develop a coordinated work plan between the institutions, the families and the Foundation, given that most of the homes left the project once the original cases had been completed.[76]

The number of families that did not comply with the profile specified by the Foundation as a requisite for participation in the project had a negative effect on the results of the intervention and finally led to some families withdrawing from the project.

"What we were basically looking for was a family that wanted to recuperate their child … we thought that families interned their children due to difficulties within the family, and that once they overcame the situation they would want to have their children back. But we found that the families had become accustomed to the situation."[77]

According to the evaluation carried out by the Foundation, these problems were also related to other causes, such as problems of motivation, unfamiliarity with the project and the existing bureaucracy in some of the care institutions selected. It was sometimes impossible to achieve positive involvement of any of

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[71] María Pallalef, as above.

[72] Group interview, Rodelillo Foundation, as above.

[73] Katherine, as above.

[74] Oriana Zanzi, as above.

[75] Group interview, Rodelillo Foundation, as above.

[76] Oriana Zanzi, as above.

[77] Group interview, Rodelillo Foundation, as above.

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the administrators and professionals in the institutions with the Rodelillo Foundation's methodology and the objectives of the deinstitutionalization project.[78]

In spite of all the obstacles, a group of 15 families managed to finish the project and completed the full process. The results were very positive: 12 families managed to bring their children home and the three remaining were well on the way to achieving this.

The Foundation's final evaluation found that, even if the hoped-for coverage was not achieved and it was not possible to apply the entire model of the Foundation's strategy, the innovative experience of deinstitutionalization could be described as follows:

> "*The work carried out with these families represents valid information regarding the type of intervention that is needed to help them be agents in the process of deinstitutionalizing their children.*"[79]

This innovative process fundamently consisted of perfecting a valid methodology for work with families "in danger of social disintegration". Indeed, in the light of the experience with families who had placed their children in Homes, methodological changes were also seen to be necessary to deal with the particular situation of certain families.

> "*The work was very difficult because we had to deal with many complex problems, families who were very difficult to work with … There were cases where the conditions were more or less met for the return of the child but there were others who did not achieve even the most minimal requirements. … With these families there was another reality, that even if the family maintained contact with the child, the contact was limited to weekend visits, so the child never really formed part of family life.*"[80]

However, to design and implement a new model of intervention aimed at advanced programmes with these families meant a huge investment of human resources. The professional teams had constantly to cope with a high demand:

> "*For every family with a child in an institution that a professional had to see and visit, they would be unable to see six traditional families that Rodelillo was working with.*"[81]

4.4.5 Lessons learned and future plans

In finalizing the project, the Rodelillo Foundation acquired a great deal of experience in looking for new methods of working with the families of institutionalized children. This experience generated internal reflection concerning the continuation of this difficult work, to which, however, the Foundation was strongly committed.

As a result of the Foundation's internal analysis and evaluation, aspects that would have to be considered in a future project of support for the removal of children from institutions were identified. Primarily, they required assurance of the participation of the institutions themselves, and greater cooordination based on joint discussions. For this it would be necessary to associate with homes that were in favour of deinstitutionalization and whose role would be considered to be entirely transitional.

The analysis also suggested the need for improving work with the children themselves. In the pilot phase of this project, work was primarily aimed at and conducted with the family and mother. However as the child is the main beneficary, it is vital to take into account his/her feelings and opinions.

Methodological aspects also established that deinstitutionalization requires programmatic intervention on a medium or long-term plan. This requires greater human resources and materials that would allow professional and technical teams to dedicate all of their time to work with children in institutions and their families.

In order to achieve this permanent coordination with the institutions, work would not only have to be aimed at families and communities, but greater emphasis would also have to be placed on the work undertaken within the institutions themselves.

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[78] Maria Anelica Cruz, Coordinator ofEvaluation and Coordination, Rodelillo Foundation, November 199.

[79] Op. cit. 'Sistemacion… p. 240.

[80] Group interview, Rodelillo Foundation, as above.

[81] Ibid.

The methodology used would have to incorporate a strong element of welfare assistence throughout the duration of the project in order to improve the basic living conditions of the families – a major factor in the decision to institutionalize a child – and to support integration within the family.

It is important to begin to work towards the child's return to their family from the moment of their arrival in an institution, to ensure that the child's stay is of minimal duration, and a programme leading to their return to the family should be implemented.

Political backing is essential to support the public child protection policies that will formulate a model of deinstitutionalization, or a technical strategy for institutions that work in this area. With this same objective in mind, a movement for the prevention of internment and support strategies for deinstitutionalization should be developed in the public and private sectors to give strength and legitimacy to a high impact policy.

ESTABLISHING A NEW INSTITUTIONAL FRAMEWORK IN URUGUAY: THE COMMUNITY LEVEL, NEIGHBOURHOODS AND SOCIAL ASSETS

☐ 5.1 INTRODUCTION

The common feature of the projects implemented in Uruguay is that the objectives and working methods are specifically intended to ensure that the children and adolescents concerned should be protected from discrimination.

These projects are based on the concept of providing equal treatment to all the children and adolescents who are cared for, and to provide a valid alternative to institutionalization, which inevitably tends to lead to exclusion and isolation. The experience presented here has made it possible for those concerned to continue to live as normal a life as possible and to establish relationships and forms of communication adapted to their basic emotional and social needs at each given stage of their personal development.

The projects implemented as part of the CAIF Project and by the Municipal Authority of Montevideo are directed at children and adolescents from families with a wide range of economic problems. The children and adolescents who are targeted by these projects are able to continue to live with their families instead of being placed in units run by the *Instituto Nacional del Menor* (National Institute for Children) or by NGO's, both of which provide a form of institutionalization in an environment which is foreign to the children and adolescents concerned. Local neighbourhoods, relationships with different people, habits, games, timetables, or the lack of timetables, all form a scenario based on experience and with which the children are able to identify. These can never be replicated by an institution, however good its material and human conditions may be.

Additionally, this equal and non-discriminatory approach to children also implies that the principle of 'special protection' be applied in order to provide concrete measures for those who require more specific care, so as to address their greater emotional or material needs. As of 1990, the city of Montevideo embarked upon a process of municipal decentralization which encouraged the creation of social situations which could focus participation into jointly managed projects aimed at improving the quality of life of local inhabitants. Boosting social organization and participation, while recognising citizen's rights, was the fundamental aim in the process of decentralization. Within this framework, a number of social programmes were designed to address various aspects in the daily lives of the citizens of Montevideo.

The resulting social policies took their cue from the specific problems raised by the people of Montevideo and were implemented by means of comprehensive actions which, in addition to providing a response to the specific problems identified, also sought to produce an impact on the network of social relations so as to contribute to promoting solidarity-based and committed socio-cultural patterns.

The main problems which were tackled were social exclusion, age and gender discrimination and the failure to recognise the right of individuals to make decisions regarding their own lives. The processes involved in social marginalization stem from a number of factors, including age, gender, social class and place of residence. As a result, the fact of being a child from one of the poor peripheral districts of Montevideo represents a stigma which restricts opportunities and availability of resources. The result is that these children are often automatically considered unreliable or even dangerous. In the case of adolescents or young women, very young mothers or heads of households, situations of subordination become increasingly frequent.

As a result, the programmes presented here represent proposals and responses that are open-ended and flexible, implemented by the Municipality of Montevideo with the support of UNICEF. Many of them have now been taken up as permanent institutional programmes with a large degree of self-funding.

This means that the contributions can be seen as springboards for innovative experiences and groundwork for the institutional activities to be pursued in these areas.

The programmes are adapted to the character of the neighbourhoods and are synergistic, helping to create and consolidate neighbourhoods as environments which are capable of satisfying the needs of families, children and adolescents.

Effective neighbourhood environments and solidarity-based networks among inhabitants are ways of preventing the occurrence of problems linked to the uprooting, abandonment and institutionalization of children and adolescents.

The *Nuestro Niños* (Our Children) programme and the programmes for adolescents (the Boy Zone and Girl Zone – *Espacios Mujer y Varón* – and Casavalle), provide opportunities for the poorest and are examples of avenues that were explored and that offer a number of lessons and challenges. In the process, educators and practitioners learnt together with women, children and adolescents – through their successes and errors – how to construct participatory projects which could bring about real change.

5.2 THE *NUESTROS NIÑOS* PROGRAMME: AIMS, IMPACTS AND WORKING METHODS WITH CHILDREN, FAMILIES AND NEIGHBOURHOOD COMMUNITIES

5.2.1 Background, origin and development of the programme

The *Nuestros Niños* programme, developed by the Municipality of Montevideo, originated in 1990 as one of the city's main social policy activities. Since its inception, it has carried out activities aimed at consolidating children's rights in the Department of Montevideo, by establishing a form of early community education which seeks to make use of a comprehensive perspective in order to combine the various dimensions which lead children to full development as individuals and citizens, and to involve the neighbourhood community as a main actor.

In 1990, the Municipal Authority began a process of decentralization and citizen's participation, as a tool to democratize society. In this framework, social policies were seen as interventions aimed at mitigating the effects of poverty, lack of opportunities and unequal conditions among the inhabitants of the city.

It was against this background that the *Nuestros Niños* programme began in March 1990 with the signing of an agreement between the Municipality of Montevideo and UNICEF.

The programme provided a socio-educational initiative designed to encourage, validate and replicate strategies and actions for social development and community participation in order to contribute to an improvement in conditions of children and families exposed to environmental, psychological and social risks. It aimed at developing a comprehensive early education programme on a multi-disciplinary basis. The programme reached beyond children to involve families and the social fabric as a whole.

The programme is currently under the authority of the health and social programmes division of the decentralized department. It includes 18 early-education community centres and 15 local institutes, which operate through a grant mechanism, located in peripheral urban neighbourhoods of Montevideo. The 18 early-education community centres provide a comprehensive response encompassing education, nutrition, preventative and therapeutic health care and family support.

The general administration of the programme at department level is in the hands of the central children's team which comprises a psychologist, a social worker, an educational consultant and a nutritional consultant. This team works in close co-ordination with two paediatricians coordinating the health area of the municipal hospitals and the social work teams of the municipal district centres (*centros comunales zonales - CCZ*) where teachers with a coordinating role supervise and guide the various educational centres.

The programme is also supported by a number of units within the Municipality of Montevideo. Among the most important of these are the following:

- The *Health Division* (División Salud). Through the technical teams of the municipal hospitals this provides children's health monitoring, and trains educators and parents. It has signed and funded an agreement with the Institute of Hygiene of the Department of Medicine to screen and treat children for parasites and supply the required medicines.
- The *Municipal Building Department* (Obra Comunitaria) provides neighbourhood inhabitants with materials for repairs and extensions, etc.
- The *Women's Committee* (Comisión de la Mujer) contributes to the technical teams in the Centres specifically on educational activities intended to overcome sexist stereotypes and deal with gender issues in a comprehensive manner. It also provides a space for mothers through its municipal district women's unit.

The human resources available to *Nuestros Niños* fall into three categories:

- *Employees of the Municipality of Montevideo.* These include the central team members, the social workers of the district Centres and the municipal hospital health teams.
- *Local community members.* These include members of the civil associations co-managing the programme and the Centre managers. Technical operational teams, including primary school teachers and educators from the neighbourhood community, are responsible for the general management of the Centre in the areas of education, welfare and hygiene. These teams, selected jointly by the Municipality of Montevideo and the civil associations, are contracted by the latter using funds made available by the municipality.
- *Technical support teams working on the basis of contracts established with the National University and NGO's.* These teams provide guidance, training and supervision in their areas of responsibility, produce and distribute materials and undertake a systematic assessment of the results of the programme.

5.2.2 The impact of the *Nuestros Niños* programme

Recent studies on poverty in Uruguay have shown that the age-group primarily affected is that of children in what has been termed the 'infantilisation' of poverty in Uruguay.

On the basis of the poverty line defined by the National Institute for Statistics *(Instituto Nacional de Estadísticas-INE)*, it appears that in 1997 23.4 per cent of the total population were poor, but that this percentage goes up to 40 per cent in the case of those under 18 (46.3 per cent of the poor in the country). The youngest age groups have relatively higher poverty levels: 46 per cent for the 0-4 age range and 38 per cent for the 14-17 age range. This means that children affected by poverty also have few opportunities to attain better standards of living in the future.

The *Nuestros Niños* programme, as part of the social policies implemented by the Municipality of Montevideo, offers children and families from poor categories the opportunity to access educational facilities. These facilities are then used for the implementation of activities aimed at promoting the general development of children and impacting the families and the community as a whole.

In the health area, the aim of the intervention is to provide screening, follow-up and early detection of any problems as well as preventative information campaigns. In the area of nutrition, children are guaranteed a nutritional intake which is suitable for their age, and educational campaigns are provided to show how to optimise expenditure on foods in the home.

The educational initiative aims at establishing a teaching method that will promote the development of the potential of children through play and recreational activities, improving their prospects when they move on to primary school. These areas not only help the children but also strengthen bonds with their parents and bonds between adults, as the Centres act as a catalyst for social support, meetings, friendship, cooperation and solidarity, and strengthen social links and networks, which are often greatly weakened in these areas.

The programme has also had an impact on the general population of the country and some who are familiar with it maintain that this initiative now constitutes a model which could also be applied outside the specific area of poor families. With the creation of these education centres, society has received better information, increased its awareness and improved its responsiveness to the situation of children in Uruguay and the need to find concrete responses and actions to address the issues raised.

In the neighbourhoods where the crèches are located a number of initiatives have been generated which have had an impact in many sectors ranging from members of various associations, children, their families and relatives, adults wishing to be part of the educational team, teachers from local schools, technical support teams, local suppliers and traders.

5.2.3 Group features and goals

Initially the *Nuestros Niños* programme was targeted at the area of structural or chronic poverty. With time, a number of questions arose in relation to a policy that was restricted to a population affected by chronic and very serious economic and psycho-social deficiencies:

- The weakness and variability of the response to this kind of service on the part of the chronically poor. This translates into low attendance, drop-out because of the frequent mobility of such a group, low integration of the families in a participatory management mechanism. All this results in a low impact for this kind of activity.
- The tendency to exclude other categories which, although poor, did not match the inclusion criteria. It was found that the model had a greater impact on these families as shown by their commitment and involvement with the initiative.

As of 1997, in coordination with the Interdisciplinary Group for Psycho-Social Studies (*Grupo Interdisciplinario de Estudios Psicosociales GIEP*) at the Department of Medicine, inclusion criteria were modified in order to consider factors of a more qualitative nature within the various categories of poverty relating to children, their families and their relations with the surrounding social setting in order to identify differences in environmental, psycho-social risk.

The data collected in a new psycho-social survey now show that the current population has the following features:

26 per cent single-parent families
3 per cent substitute families
6 per cent teenage mothers
35 per cent fathers and mothers with only primary school education
48 per cent unemployed mothers
24 per cent mothers without stable employment
11 per cent unemployed fathers
28 per cent fathers without stable employment
42 per cent families with housing problems, half of whom have inadequate sanitary facilities
30 per cent overcrowding
15 per cent promiscuous living conditions
89 per cent families belonging to no group, activity or institution.

In consideration of the fact that public schooling had been extended down to the ages of 4 to 5, the programme focused on providing care to the 0-3 year age-group. In five Centres the population involved comprised the 6 month to 3 year age range, and in the other 13 centres children in the 2 to 3 year age-group, giving a total population of around 1,400 children.

The grant mechanism involves 15 institutions which are supported by means of 276 individual grants and by the various areas of action of the ongoing training programme.

A contract is renewed on a yearly basis with FIPEI (*Federación Uruguaya de Instituciones Populares de Educación Inicial* – Uruguayan Federation of Public Pre-School Institutions) to provide dairy products to 14 other Centres. If one considers the whole range of activities, the programme can be estimated to impact a population of approximately 2,500 children.

The Municipality of Montevideo finances

most of the programme from its own budget. It provides the local associations with the monthly contributions for each child enrolled in their Centre. These contributions cover the total sum of wages, social welfare allowances and food to be provided. The Municipality also covers the costs of adapting premises, equipment and teaching materials.

5.3 TOWARDS GENDER-BASED EDUCATION: THE PROGRAMME FOR ADOLESCENTS

In 1995, the Women's Committee together with the programme for adolescents (Youth Committee) of the Municipality of Montevideo began a socio-educational initiative geared to promote stronger citizenship in adolescents by developing projects for gender-equity socialization.

Over the years this area of activity was modified on the basis of the achievements attained and the difficulties encountered.

For example, following the establishment of activities to promote the participation of teenage girls in youth centres with 'Teenage Girl Zones' (*Espacios Ser Mujer Adolescente*) and gender-issue training for educators, in 1999 a similar initiative called 'Teenage Boy Zones' (*Espacios Ser Varón Adolescente*), was set up at the request of boys who had found the experience of the girls interesting.

In this way the project called 'Strengthening Citizenship in Teenage Boys and Girls' (*Fortaleciendo Ciudadanías de Adolescentes Varones y Mujeres*), supported by UNICEF, has succeeded in providing gender education for adolescents encompassing an approach to generational issues dealing with the conditioning faced by both sexes.

The development of participatory and creative methods to address the problems of adolescents remains a permanent challenge and requires a constant problem-solving attitude; this in turn becomes a learning process.

This educational approach is underpinned by the conviction that the rights enshrined in the Convention on the Rights of the Child can become a reality for children and adolescents if they are considered as active participants in their own lives and surroundings, without any age, class, ethnic or gender conditioning.

Appreciating the individual histories of each person is central to development and growth, as is the chance to determine one's vocation, by developing skills, capabilities and personality.

The cultural conditioning which assigns particularly rigid male and female role models restricts the range of choices available and the pursuit of new hopes and careers within society. Teenage boys and girls thus live the most demanding and formative period of life often without the support required for personal self-discovery, or the guidance which allows their desires to be matched to their opportunities.

This process is more difficult for teenage girls – particularly those from families whose basic needs are unmet – since there is a stronger tendency for traditional female models to be reproduced, placing them in positions of greater social disadvantage.

The Teenage Girl Zones have been found to be useful in promoting the process of personal discovery and development, by bolstering self-esteem and developing participation. The lessons learnt, and the doors which were opened, also led the boys to express their wish to have their own space in which they could talk about themselves, their doubts and problems, leading to the establishment of Teenage Boy Zones.

Various instances of coordination and exchange with a range of non-governmental organizations working with adolescents from the poorer classes generated an interest in moving forward to build gender-based education.

5.3.1 Presentation

The programme for adolescents is carried out in districts 14, 15, 16 and 17, located in the north-eastern area of the Department of Montevideo. This is a programme which encompasses a number of components: administration is provided by three sectors of the Municipality: the health division, the youth committee and the women's committee. The local authorities for the districts mentioned are involved, as well as NGO's.

The initiative combines comprehensive health care and facilities for recreation, culture and vocational training and an educational component which is provided through primary and secondary schools. On the whole, the special situation of young boys and girls is targeted to expand equal opportunity situations.

Two multi-disciplinary teams, encompassing medicine, psychology, social services, nursing and dentistry, cover health care, health promotion and disease prevention and are available in three hospitals at times dedicated exclusively to 12-19 year-olds.

Six youth centres are involved. These are distributed through the four areas covered. Based on the young people's requests, they offer activities in music, theatre, pottery, games, sports and recreation. In parallel, educational spaces for young women are provided with recreational and expressive activities, together with specialized workshops in order to strengthen female participation.

As of 1999, special educational areas were also organized for boys and young men, to address their specific situations and complete the range of activities promoting respect and solidarity-based values and behaviour between adolescents of both sexes.

5.3.2 *Teenage Girl Zones* - a place to grow in

The 'Zones' are aimed at creating and strengthening opportunities for teenage girls to meet together and exchange their experiences. They also provide activities aimed at changing traditional roles and restraints and developing skills which gender stereotyping frequently denies women, particularly in the case of those from poorer areas.

The activities are carried out in weekly workshops lasting 90 minutes and are attended by girls aged 13 to 18. The working method is based on games, self-expression and creativity, supplemented by recreational and cultural outings, conversation, and much enjoyment and laughter.

The girls discuss their needs, ideas and their desire to be active. Together they assemble a work project, which requires organization, and distribute tasks according to the capabilities and preferences of each. They thus become accustomed to stating proposals, negotiating and taking decisions, and strengthen their self-esteem and abilities in interpersonal communication.

This leads to a collective output which, whether literary, theatrical, sculptural or communications-based, always involves contact, participation and involvement in a broader circle both within the Centre itself and in conjunction with other youth groups or organizations in the neighbourhood.

The Girl Zones could be described as having a function similar to schools where the youngsters learn to understand themselves and perceive their abilities, and begin to stretch the boundaries of what they can do. Their self-esteem increases as they realise their potential and develop the abilities that they will require in order to respond independently to challenges at work, at school and in setting up a home.

Coordination is ensured by a team comprising a workshop specialist and an educator attached to the youth centre. The workshop specialist is responsible for following the group and individual processes and contributes tools - ranging from ideas to techniques - to facilitate the implementation of projects.

The educators provide a link between the Girl Zones and the youth centres, both in terms of the participants and the overall proposals.

Although each location has its own specific features, there are some aspects common to all the areas and these are useful in defining a specific method.

- The spaces respond to the girls' need to have their own secure and private area where they can reveal and discuss everyday situations where their rights are at stake in a way which is not possible when boys are also present.

Initially, the difficulties the girls mention are the usual difficulties the young face in relation to adults. They tend to declare that, "*Discrimination is a thing of the past.*" Only later, as they develop their activities, do they bring out the situations and needs related to the fact of being women: lack of knowledge and worries about their bodies, doubts and fears concerning sexuality, difficulties and attractions related to boys, discrimination within the family, at school, at work, which are all expressed through personal experience:

"I'm horrible, I don't like anything about myself."
"I don't want to (have sexual relations), but I can't bring myself to say no; I'm afraid he'll leave me."
"I had sex and I didn't feel a thing."
"My parents want me to be virtuous and to marry well (from a financial point of view)."
"There are some teachers who openly bother us."

Even though these issues emerge with varying degrees of frankness and may be worth examining in mixed environments, when they are discussed among girls alone, greater personal and affective involvement is possible and change can be promoted more effectively.

The 'Zones' thus become useful tools to bring specifically female issues out into the open so that girls can become aware of their needs in an atmosphere of mutual confidence and respect.

- The group setting also makes it possible to uncover the social dimension of these issues, facilitating the understanding and questioning of the factors generating prejudice, discrimination and unhappiness in general.

"Everybody goes through the same things I do!"

The next step is to seek alternatives and promote changes in oneself personally and in one's environment. Some situations, such as depression, family conflicts or incidents of sexual abuse, require special attention or outside support either in hospital units for adolescents, specialized services or through home visits.

The 'Zones' also provide a group the girls can belong to, which provides support and assistance for their personal and collective growth.

- One part of the initiative is also learning how to enjoy oneself and how to salvage humour and fun.

Many of the girls are in situations which cause them pain or in which they are deprived. There is no attempt to ignore these conditions, or to try to persuade the girls to forget them, but gratification is also necessary and is an excellent source of motivation. Often the girls find satisfaction in being able to rise above a painful situation and discover that one can have an active role in deciding one's own life. In other cases, this results from the activity itself and the shared cheerfulness it generates.

The 'Zones' promote positive experiences, a feeling of enjoyment, the attainment of personal and group achievements, and all this is done with a sense of humour even when difficulties are tackled.

- The aim is also to stimulate the girls' abilities to design projects and bring them to fruition.

Discovering one's creative energy and discovering that one is capable of developing, implementing and completing a project is not just satisfying and enjoyable but is also a life-experience which leads to greater self-esteem and self-acceptance.

However the experience in itself is not enough to strengthen self-esteem. It was found that it is also necessary to describe the process and achievement, confirming them through verbalization. The experience may have been rewarding but unless it is verbalised it may become ephemeral and recede to a memory without making any contribution to changes in self-perception.

In most cases, the educators lead this process of experimentation and internalization (from the inside out and from the outside in), appraising and expressing each person's process. This process is done on several occasions, as if repetition itself were a mechanism to reinforce the belief system of each individual.

The 'Zones' are also ways of discovering and activating the girls' capabilities and potential for initiative, creativity and self-realization through collective work so as to bolster their self-esteem.

- When collective achievements are presented to outside environments they become tools for social integration and encourage the girls not only to appreciate themselves but also to be appreciated by others.

It was found that this kind of experience lead the girls to change their attitudes within the youth centre and in other situations (committee for culture, community radio, etc.).

The number of girls involved and the quality of their involvement in youth centres increased. Participation became more active, and they began to feel confident enough to express their opinions, propose activities, negotiate their interests and defend their positions more assertively. These changes are supported and assisted by the management teams, whose outlook has also been broadened by including a gender perspective.

Potentially therefore, the 'Zones' contribute towards developing the social assertiveness and participation of the girls.

- Since project-based work facilitates an awareness of one's own needs and the formulation of strategies to meet them, they provide a method to support transition from a state of dependence to one of self-reliance.

As a result, the 'Zones' try to provide experiences, methods and resources which can facilitate the formulation of autonomous life projects.

☐ 5.3.3 *Teenage Boy Zones* - possible strategies

The educators in the youth centres, the women's committee and the adolescent programme had also intended to include teenage boys in the gender-based socio-educational approach to promoting changes in internalized male role models. However, the programme was only established following an explicit request on the part of a group of boys who also wanted a space for themselves.

Four 'Teenage Boy Zones' were created in the youth centres in districts 14, 16 and 17; these operate in a similar way to the 'Teenage Girl Zones', as follows:

- One 90-minute meeting a week.
- Coordination provided by a workshop specialist and an educator attached to each centre.
- Selection of the workshop specialist with the participation of all the youth centres.
- Monthly meetings of the methodological assessment group in conjunction with the programme for adolescents.

In this case, a new method had to be invented since no prior examples were known, at least at national level. It is very rare for men – whether they be youngsters or adults – to come together to analyse their problems. Men generally meet to pursue common interests of an external nature, such as sports, informal meetings with other males, gambling, work and women.

Although a number of assumptions and ideas were utilized, the aim was to create an open attitude to what the boys and the educators (also male) were actually saying, though not always only in words. It was assumed that in this case the aim of the initiative would not necessarily be a visible result but that the most important purpose was to create an atmosphere of confidence in order to facilitate the boys' contacts with each other and awareness of themselves.

The boys were drawn to the 'Zone' by various activities of interest to them, after which they were encouraged to reflect on the issue of their rights as males.

The boys established a good link with the educators and approached them to ask personal questions and discuss their experience. However, in group sessions, whenever personal issues, particularly those involving emotions, were brought up they were always interrupted by other boys joking, clowning or other forms of discouraging behaviour.

This kind of behaviour is linked to traditional male stereotypes. In order to overcome these it is necessary to initiate a lengthy process to build up the mutual trust of the participants.

A number of mechanisms were used by the educators and the workshop specialist, but it was not always possible to break down resistance. If a space for dialogue cannot be established, generating problem awareness becomes a very remote goal indeed.

"Once you meet them, you can classify some of them as "doers", who find it very difficult to talk or put anything into words. For the time being I don't think one can speak with them, but if the space becomes a fixture in their lives and an atmosphere of trust is built up, these boys might come to other activities." (educator)
"We need to induce or assist the changes required in order for there to be some degree of equal opportunity. And we need to begin with the prevailing values and the contradictions they contain to generate new values." (workshop specialist)

This does not mean imposing another way of being a male in a compulsory way, but rather bringing out the problems that are caused by prevailing codes, attitudes and behaviour.

The rights of these adolescents are very far from being assured. Most of them live in conditions of poverty or extreme poverty, have been excluded from the educational system, in some cases even before commencing secondary education, and live in families where they encounter the worst forms of violence.

Many of these boys have forms of behaviour which expose them to risks (stealing, clashes with the police, drug abuse in public places, etc.) and which increase their social vulnerability and make it more difficult for them to find jobs with some degree of gratification or to continue their education.

Working with them represents a multiple challenge since they have been shaped by social and cultural patterns which are deeply internalized and because of their exposure to stereotypes linked to their poverty, age and gender. The image they have means that they are automatically considered to be criminals, dangerous and drug addicts.

Many of them subscribe to an exaggerated version of maleness which they display through an attitude that excludes men who are considered to be weak, as well as women.

Affirming the need for a change in gender relations, and specifically in what it means to be male, involves establishing what the guiding values are, the strategies to implement these values and identifying who will direct this process.

A number of the educators found that they have no training for gender-relations education, in particular with regard to male issues in adolescents, but they also indicated their interest in acquiring these skills. Analysing an individual's involvement in processes of change and personal attitudes to the dominant model of 'maleness', is also a necessary step in laying the basis for a new method of bringing about change.

Strategies need to address some clichés:

- On the one hand, proposals must be able to contribute to a comprehensive response for boys from poorer categories. This does not imply a need to address all the aspects which involve unmet needs and demands, but it is necessary to be aware of them and take them into account in motivating meetings.
- The educational approach should avoid abstract formulations (discussing males, discussing sexuality) and aim to gradually and increasingly identify problems.
- The need to produce effective coordination between the Boys Zone and the Girls Zone so that the male and female educators can understand the processes at work among the boys and the girls.

There has to be consistency between the approach in the youth centre and the approach in the gender 'Zones', so that situations of inequality are not reproduced in the various educational practices and teenage girls can be empowered.

The processes in the youth centre and the gender spaces need to be subjected to critical scrutiny on an ongoing basis and actions have to be amended where necessary.

Gender-perspective studies clearly show that it is essential to address males and maleness in order to establish gender-equitable relations between males and females.

This raises the challenge of creating innovative proposals to deal with the essence of masculinity, which historically has been depicted as unchangeable.

The youth centres provide a special opportunity to address male teenagers with the experience acquired in constructing gender-based educational models for teenagers.

The Boys Zone is fruitful as it is not only a field of investigation of personal and group processes in adolescents and youth, but it also offers an opportunity to test new educational methods and approaches which obviously involves each of the educators in terms of their role as well as their gender.

"We need a space where men and boys can talk and say what they really feel inside. Generally, words are not very significant for males, the way one acts and moves is more important. Words are associated with the female dimension. We educators have a lot of responsibility for this. If something happens to a young girl, I sit down with her for half an hour to find out what the matter is; but if it's a boy I just say a couple of things and am sure he has understood. We need to recover the importance of words, make it possible for them to speak of what they feel, talk about their feelings and give an assurance that they will be listened to and respected. When words are given their worth, there is no room for jeering."

5.4 OPPORTUNITIES FOR THE POOREST. THE CHILDREN AND ADOLESCENTS OF CASAVALLE

5.4.1 Background

Casavalle, where a social welfare initiative was carried out over five years in cooperation with UNICEF, is one of the poorest areas in the city of Montevideo, with a high concentration of children and adolescents, unlike the rest of the capital.

The aim here has been to create a multi-sectoral strategy to impact poverty factors and provide children and adolescents with better opportunities for full development.

Many of the initiatives taken within the scope of the project became part of the educational strategies of a number of social organizations. The local authorities in Montevideo's District 11 established official networks and multi-sectoral management as effective strategies to address the effects of poverty. And on 25 November a celebration of Children's Rights is held representing a symbolic milestone in the collective efforts to improve awareness of the intrinsic rights and dignity of children and adolescents.

5.4.2 Description of the District

District 11 is characterized by intense population growth, mainly fuelled by the continuous expansion of shantytown areas.

According to CEPAL: *"The unregulated settlements can be seen as one of the main areas in which residential segregation has been occurring. (...) The number of houses in these areas increased three-fold over a period of ten years and the growth rate accelerated as of 1990."*

Most of the population in the settlements is made up of young couples with children. Children under 10 are the age group most affected.

In the Casavalle and Aparicio Saravia subareas there is a high concentration of poor households, with more than 46.9 per cent classified as NBI (Basic Needs Unmet), which is the highest ratio anywhere in Montevideo.

It is worthwhile emphasizing the high proportion of children in the poorest homes: more than 40 per cent of the under-14's live in 20 per cent of the houses.

According to assessments made by the municipal authorities and the opinions of the inhabitants, the worst problems in the area as a whole are:

- Lack of infrastructures and general services to meet the population's basic needs (sanitation, housing, food, health, educational facilities, recreational facilities, public areas etc.).
- Unsafe conditions, drug addiction, crime.
- Insecurity in tenure of land and housing.
- Pollution of soil, rivers, and air mainly caused by rubbish tips and toxic waste.
- Shantytowns along the Miguelete and Casavalle basin streams.
- Insufficient, infrequent and erratic public transport making for problems in reaching places of work, education and health care. Surface conditions, infrastructural problems and lack of safety also make it difficult or impossible to find taxis and ambulances in some neighbourhoods in the area.
- The high unemployment or sub-employment rates in the country are made worse in this area because of few or no opportunities

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to find work, because of low training levels and the stigma of living there.

- Higher than average Infant Mortality Rates, cases of chronic under-nourishment, adolescent and teenage pregnancies, high school dropout and failure rates.
- Lack of schools because new ones have not been built to keep pace with the population growth.
- Lack of pre-school centres, crèches, and infant care centres to help families bring up young children.

☐ 5.4.3 Activities: opportunities for the poorest

Activities were mainly directed at children from 0 to 12 years of age, and pregnant girls and teenage mothers from 12 to 19 living in the Casavalle and Aparicio Saravia sub-areas, but also involved adults, parents and educators and the local organizations established as counterparts to create better opportunities for children and adolescents in the districts.

Given the complexity of the problems faced by children and pregnant teenagers, the programme set out a strategy aimed at implementing a number of complementary activities, so as to ensure a suitable and comprehensive response to the specific socio-cultural features of the population.

Goals were defined for each group according to the following criteria:

1. To provide for the full development of children from birth, promoting care during pregnancy, encouraging breast feeding, early childhood development and pre-school education as ways of ensuring a "good start".
   For this purpose it was proposed to:
   - Establish an ongoing training programme for community health workers on the care and monitoring of new-borns and infants.

2. Developing a comprehensive support programme for pregnant girls and teenage mothers as a way to break the poverty cycle.
   For this purpose it was proposed to:
   - Establish collective self-help areas to provide counselling and guidance to pregnant teenagers and mothers and establish mutual aid networks.
   - Develop a sexual and health education programme in all schools that encompassed teachers, mothers and students as a way to promote self-esteem and self-knowledge, prevent early and unwanted pregnancies, sexually transmitted diseases and to promote responsible and solidarity-based sexual ethics.

3. Implement a model of action addressing factors that cause higher school dropout rates and the consequences of leaving school.
   For this purpose it was proposed to:
   - Reinforce the effectiveness of teachers by providing extra technical support in the areas of expression through games and the promotion of reading.
   - Create recreational and relaxation areas in schools so as to improve their surroundings and encourage alternative forms of conduct to violence inside and outside school.
   - Consolidate local networks for childhood by creating meeting areas and coordinated activities, emphasizing the district Children's Rights celebrations.

☐ 5.4.4 Achievements of the Programme

The following are specific results achieved over a period of years:

- An on-going training programme was established under the authority of the Municipal Community Health team for community health workers on care and monitoring of babies and infants.

This programme reinforced the health promotion activities carried out by the local community health officers and the public hospitals which took part in various training events on HIV-AIDS prevention, sexuality and affection, drug use, maternal breast feeding and women's reproductive and sexual health.

- Early childhood stimulation and psychomotor development was included in pre-school centres included in the *Nuestros Niños* municipal programme.

These sessions had a major impact on families and children. Improvements in language skills were observed as well as greater creativity, task and game concentration, and lower aggressiveness and restlessness.

The families displayed changes in the way they related to their children and stimulated them. It was interesting to note an improved relationship between parents and the institutions (kindergartens and hospitals) due to the ability to make practical suggestions as to how to continue some activities and initiate others which would be beneficial to them as individuals and parents. The educators and technical staff involved in the activity were able to expand their training and learn skills which could be applied in everyday practice.

Of particular interest was the method of combining collective play areas geared to developing psycho-motor skills, with the areas for group discussion on the constraints faced and childhood development.

- Establishment of a permanent comprehensive support area for pregnant girls and teenage mothers as a way of breaking down the poverty cycle.

Areas for counselling, guidance and mutual help were found to be a successful strategy and they were institutionalized at the Casavalle hospital. With the additional gynaecological check-ups provided by municipal medical staff, this meant that comprehensive care for teenage pregnancies could be provided.

It should be mentioned that this approach was extended to other municipal hospitals, thus becoming a model for care.

This initiative had a practical impact on the lives of each of the teenagers involved. The psychosocial approach followed made it possible for the girls to address problems relating to their life-styles, enrol or re-enrol in school or train for work after giving birth. And in all cases they were helped in establishing a satisfactory bond with their children.

The most difficult issue to address was that of relations with the families of origin. Very rarely were any changes achieved when a complete rupture had taken place.

Peer-support networks and an awareness of community resources were found to be key factors in the process. Local institutions operating in labour, educational, health and other areas relating to teenagers were contacted to establish a network of assistance for the girls.

- Sexual and affective education in the schools of Casavalle with final year students, mothers, fathers and teachers.

The workshops organized made it possible to respond to a need which is neglected at school because of the lack of any official sexual education programme in Uruguay.

In view of the living conditions of the families in the area and the prevalence of sexual and domestic violence and sexually transmitted diseases, it was possible to provide gender-focused, comprehensive sexual education in a single location for all the workshop participants.

The courses were given by a team comprising a gynaecologist, a psychologist and a social psychologist who used a participatory and dialogue-based method, starting with the personal knowledge of the participants and working gradually from the individual to the collective level, in order to construct a new body of information which could become a part of people's actions, feelings and thoughts, creating a climate for change.

- Establishment of a methodology to address the problem of high school drop out rates and the consequences of leaving school.

The model was found to be useful in:
- Promoting reading and writing.
- The games and self-expression area.
- Opening the school to the community and to parent participation.
- Strengthening the link between teachers and parents.
- Progress and final performance of students.
- Improvement in teacher effectiveness.
- Development of new class organization models.

Social work with the families of some first year children made it possible to identify and avoid the presence of factors leading to school failure or drop-out, which contributed to an early diagnosis of learning problems.

The workshops that organized games and self-expression proved to be useful ways of encouraging self-discovery through a number of games activities as well as the recovery of the pleasure and enjoyment of play.

The aim of creating a place where one can meet and exchange news and chat, was attained through the initial general meetings and the play and recreational areas.

The educators and teachers made use of the training opportunities to include new components in their educational work.

The focus on play and self-expression thus makes it possible to:

- Create spaces which endow schools with a pleasurable and creative dimension that promotes the motivation and integration of children inside the educational setting by offering positive and enjoyable experiences.
- Generate and develop tools for change to improve interpersonal and group relations and individual self-esteem.
- Recover the ability to feel and communicate through play and self-expression. The emergence of common strategies that promote a critical awareness of the need for change and responsible assertiveness is also facilitated.

Workshops to encourage reading were another strategy incorporated into the model of action, focusing on developing children's self-expression. Activities promoted were classroom libraries, plastic arts workshops, physical expression areas and games libraries (board games). These activities were supplemented by outings to theatres, cinemas, amusement parks, zoos and botanical gardens.

- Develop a district Childhood Network so as to ensure cooperation between social organizations and private and public institutions working with children.

This was achieved through district coordination meetings to implement joint activities addressing the issues of child abuse, environmental protection and to prepare a district exhibition on children's rights.

☐ 5.4.5 Impacts

The following are some of the main impacts observed during the implementation of the project:

- Pooling of resources made available by a number of institutions, such as the municipality, UNICEF, the National University, NGO's, social organizations, public and private local institutions.
- Enhancement of municipal programmes and initiatives directed towards children (kindergartens, snack bars), teenagers (youth centres, skills centres), health care (municipal hospital, community facilities).
- The involvement of local government bodies (local and neighbourhood councils) in the process of implementation of the project activities.
- The establishment of networks as the result of coordination between institutions and organizations through the pooling of available resources. This contributed to a greater effectiveness of the activities undertaken.
- Training activities which enriched the scope of action taken by teachers, practitioners, day-care centre committees, multi-disciplinary health team members and NGO staff. This training also made it possible for the focus of action to be maintained.

☐ 5.5 THE CAIF PROJECT. INTEGRAL DEVELOPMENT FOR BOYS AND GIRLS: STRENGHTENING OF FAMILIES IN POVERTY[1]

☐ 5.5.1 Childhood and poverty in Uruguay

The CAIF Project was initiated in 1988 as a response to the high poverty levels found in households with children, and the relative inefficiency of social expenditure.

In Uruguay more than 40 per cent of children are born in poor households. The fact that almost half of the country's children live in a condition of poverty is a bleak stain on Uruguay's prospects for the future.

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[1] Executive Secretariat for the CAIF Project, Montev[illegible] May 2001.

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Table 1 shows that poverty within the country tends to be concentrated in the earliest stages of life. The UNDP document on Human Development in Uruguay (1999) warns of "the risk that, because of lack of investment in future generations, there will be a progressive loss of human and social capital for the future of the country. The poorest sectors are bearing the weight of the biological and social reproduction of the country. Couples without children show low poverty levels (nuclear households without children 1 per cent of poverty prevalence, Katzman, 1996), but when they have children they tend to be affected by the most adverse situations."

The authors of the Report on Human Development in Uruguay warn that there is a "need to strengthen protection systems for children and younger generations in a context where markets and life cycles seem to punish them very harshly." UNDP, 1999.

☐ 5.5.2 The CAIF Project: mission, goals, strategies and resources

The importance of the psycho-social problems which affect development in poorer sectors and the complexity of dealing with them shows that without adequate and timely action the future potential of the country will be jeopardised, even more so if one considers that these are the sectors where most children are born. It would seem obvious, therefore, that programmes aimed at improving child development should be reinforced by comprehensive family support policies.

Table 1
Percentage of poor according to age groups. Uruguay: 1989 - 1997.

Age	0-5	6-13	14-29	30-64	65 and over
1989	46.7	46.7	31.2	22.9	15.5
1990	51.2	48.2	33.7	25.1	17.2
1991	45.7	44.1	29.5	21.8	13.0
1992	42.4	40.6	26.3	18.8	9.4
1993	38.4	36.9	24.5	16.8	8.4
1994	38.1	36.7	22.8	16.0	7.2
1995	42.2	38.7	25.0	17.9	8.3
1996	45.0	39.9	26.8	18.6	8.7
1997	46.5	41.0	27.4	19.6	8.3

Source: Instituto Nacional de Estadística (INE). Encuesta Continua de Hogares (ECH). Taken from "Human Development in Uruguay", 1999, UNDP.

Stimulating the development potential of families and strengthening their social support networks, enable healthier processes of integration and progressive adaptation to occur. As can be seen, programmes need to be based on interaction and strengthening the bonds between children and all those who are necessary and important to their development (*Grupo Interdisciplinario de Estudios Psicosociales* GIEP, 1996).

The CAIF Project began to be implemented in 1988 following an agreement between UNICEF and the Government of Uruguay. The backbone of the plan is provided by the Child and Family Care Centres (*Centros de Atención a la Infancia y a la Familia*) established in the neighbourhoods where the families with the greatest needs live. It developed as a "response to the presence of high poverty rates found in certain population groups and the relative inefficiency of social expenditure allocated to programmes aimed at combating the situation" (quote from the above-mentioned agreement).

Until March 1990, implementation was in the hands of the National Commission for Children, Women and Families (*Comisión Nacional del Menor, la Mujer y la Familia*), which was made up of representatives of the various ministries and public institutions involved in the Project. On 21 June 1990 the executive authority decided to transfer implementation of the plan to the Management Committee of FISE - the Fund for Emergency Social Investment (*Fondo de Inversión Social de Emergencia*), and at a later stage responsibility for implementation was brought under the direct control of the Presidency of the Republic. With Law 16736, dated 5 January 1996, the National Parliament entrusted the *Instituto Nacional del Menor* with responsibility for general coordination of the CAIF Project and made the Executive Secretariat part of its structure.

Mission

- The CAIF Project represents a commitment on the part of both the State and civil society - organized into Civil Associations for the care of children under four and their families - to establish prospects for social equity and to overcome situations of exclusion and marginalization.

Goals

- To improve the conditions for development and the social insertion of families exposed to social risks, and to contribute to the development of young people's potential in order to overcome any social constraints which may hamper their future opportunities.
- To promote integrated action on the part of public institutions, departmental authorities and Civil Associations in addressing the needs of families with children under the age of 4 living below the poverty line.
- To improve the coverage and quality of care for children, women and families provided by social programmes targeting poverty-afflicted population groups, by developing innovative strategies, approaches and methods.

Target population

- Families with children under the age of 4 in situations of social vulnerability and exclusion.

5.5.3 Strategies in the CAIF Project

- *Interaction between State and civil society:* the CAIF Project is the first social programme in Uruguay to establish formally (by means of an agreement) a mechanism of cooperation between State bodies and civil society, organized as Civil Associations with recognised legal standing.

Table 2
Type of poverty according to age groups in 1994 (per cent of individuals)

MONTEVIDEO			
Age	0-14	15-59	60 and over
Type of poverty			
Recent	22.2	17.4	14.3
Chronic	12.0	4.9	1.7
Inertial	3.3	1.8	0.9
INTERIOR			
Age	0-14	15-59	60 and over
Type of poverty			
Recent	15.1	13.1	7.0
Chronic	18.7	9.2	2.9
Inertial	10.5	7.9	6.7

Source: MEC/OPPFAS, 1996. Taken from "Human Development in Uruguay", 1999. UNDP.

- *Inter-institutionality:* Public institutions at national and departmental level are simultaneously involved in the CAIF Project.

Participants at the national level are:

The National Institute for Children - *Instituto Nacional del Menor* (INAME)
The National Institute for Nutrition - *Instituto Nacional de Alimentación* (INDA),
The Ministry of Public Health - *Ministerio de Salud Pública* (MSP),
The National Administration for Public Education - *Administración Nacional de Educación pública* (ANEP),
The Ministry of Education and Culture - *Ministerio de Educación y Cultura*
Representatives of the National Conference of Mayors - *Congreso Nacional de Intendentes.*

Participants at departmental level include:
Civil Associations involved in the Project
The Municipal Authority
Departmental Boards of INAMF
ANEP Inspectorates
MSP delegates.

- *Decentralization*: it is hoped that decision-making powers be increasingly devolved to departmental and local levels.
- *Community participation*: areas for community-level participation by individuals, groups and local social organizations, with the goal of creating a situation where they can contribute to the development of their own communities and families and particularly the children living within them.

5.5.4 Resources of the CAIF Project

The human and material resources, strategies for action and initiatives of each centre are the outcome of coordination between the various actors involved in the Project. The interaction between State Institutions and the Civil Associations participating in the CAIF Project is formalized in an agreement in which each of the contracting parties establish obligations, rights and provisions of the contract.

The State establishes the overall interventions; defines the framework of the project; establishes general technical guidelines; provides training opportunities; allocates resources for the operation of the centres; monitors, oversees and assesses performance on the basis of the goals negotiated with the other actors. Each state institution has a specific role inside the CAIF centres:

- INAME acts as a channel to transfer financial resources for the operation of the centres (10 million dollars per year) and also provides technical experts to deal with management, supervision, support and monitoring of programmes.
- INDA contributes dry foods and the technical experts to run programmes on nutritional education, nutritional awareness and nutritional assistance.
- The Municipalities help Civil Associations to open new centres, provide premises, fresh food and guarantee relief from municipal taxes.
- The Ministry of Public Health coordinates the centres' preventative medicine and health promotion programmes.
- The Ministry of Education and Culture supports the establishment and consolidation of Civil Associations and monitors the implementation of the recent Law on Crèches.
- ANEP provides support by ensuring coordination so as to avoid duplication of services and also contributes to the training and selection of the teaching staff in the centres.

The distribution of tasks and the interaction between the various state institutions makes for better utilization of resources by boosting, integrating and expanding their impact and avoiding overlapping and uncoordinated actions with and in the community.

On the other hand, civil society as organized in Civil Associations manages the resources and runs the CAIF centres, using the authority and the ability they have to adapt general interventions to the specific features of each local situation in line with the level of organizational development they have attained. In order to achieve the goals set out for the various areas concerned (pre-school activities, family and community work, child health and nutrition) it selects technical staff in accordance with the number of children concerned and the psycho-social characteristics of the target population in each centre.

Two thirds of the 200 Civil Associations are made up of neighbourhood organizations, the remainder being social clubs, religious and trade union organizations. They can rely on advice provided by technical teams contracted by means of a selection process and appointed in agreement with all the Civil Associations in a given department. The coordination of the various actors and responsibility for the Project at state level is in the hands of the Executive Secretariat, which is a part of the structure of INAME.

At another level, the international agencies cooperating (UNICEF/UNDP) make their contribution by means of financial and technical resources and by helping to liaise with international agencies with similar programmes within the region.

The effort to mobilise Civil Associations and to provide momentum and input from public and private organizations, is made to try to transform the community members from passive recipients of state assistance to actors with goals that contribute to the development of their communities and families and, in particular, the children living within them.

5.5.5 Results achieved by the CAIF Project

From its outset, the CAIF Project was subject to assessment by external experts who were independent both of State institutions and the centres. In the 1997 assessment, after almost 10 years of operation, a number of strengths were identified, and can be summarized as follows:

- Satisfactory focus on the poorest sectors. 88.6 per cent of households were in a situation of poverty. Of these, 61.6 per cent were characterized by chronic poverty and only 8.6 per cent were above the poverty line with their basic needs met.
- Active participation of citizens organized in Civil Associations. Structures were formalized and their constitution was satisfactory (legal standing, membership, management board).

- A high level of task-motivation on the part of the teams working in the centres.
- Acceptable levels of coordination with public and private institutions inside the centres' neighbourhoods.
- Cooperation with the centre by neighbourhood inhabitants.

Despite these strengths, when the results were analyzed, in particular with regard to the situation of children, it was seen that there were also some weaknesses which had characterized the project from its outset and which needed to be remedied.

Psycho-motor development of children had improved compared with the previous assessment in 1991. However, it did not show any significant improvement over the results found by Juan Terra and his team, with children from poor urban areas in the 1980's.[2]

In 1991, when the project began, a low proportion of children displayed normal development (25.3 per cent) and a high proportion was described as being at risk (40.3 per cent), or having retarded development (34.4 per cent).

In 1997, the percentage of normal children rose by 22 points. One of the explanations for this increase between 1991 and 1997 (from 25.3 per cent to 47 per cent) was the better level of nutrition. However, the improvement was found to be disappointing in view of the very low baseline levels with which the comparison was made and the cost of the investment made. Table 4 compares the level of development achieved by children in the CAIF centres with that found in poor urban children of the same age group. Not only does the Project have no visible positive impact on the children, but it actually seems to have a certain negative effect, since the percentage of children with retarded psycho-motor development is twice as high. Development was also inadequate, with a high proportion of children in the retarded category (17 per cent).

When one analyses the psycho-social risk factors present in mothers, the low impact of the plan is confirmed. The proportion of children whose mothers are in the low psycho-social risk category and yet are at risk or have retarded development is too high (17 per cent).

Nor were any positive effects seen on the development of children when the time spent in the CAIF centre was considered. In actual fact, the longer the stay the greater the prevalence of children in the retarded category.

These results spurred an analysis of the weaknesses of the plan indicated in the assessment document. According to the report produced by CLAEH – the Latin-American Centre for Human Economics (*Centro Latinoamericano de Economía Humana*) the following aspects needed to be singled out:

- 80 per cent of the members of technical teams undertaking educational activities with children lacked any specific training. The teachers with responsibility for coordination had a high turnover rate and only one third of them were specialized in pre-school education. The quantity and quality of the teams fell short in terms of child/adult ratios, training and inter-disciplinary skills.
- The CAIF centres lacked clear lines of intervention. 71 per cent of centres failed to develop an institutional project, activities were centred on children and their planning was not given an institutionally recognized time or place.
- There was a lack of systematic and integrated work with families in most of the centres:

Table 3
Comparative results of psycho-motor development in children

Psychomotor Development TEPSI	1991 Rating	1997 Rating
Retarded	34.2	20.5
At-risk	40.5	32
Normal	25.3	47.3 (upper-normal 11%)
	100	100

Source: "Evaluación del proyecto de desarrollo institucional CAIF". Primera parte. Centro Latinoamericano de Economía Humana (CLAEH), August 1997.

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[2] Terra, Juan Pablo et al.: "Los niños pobres en el Uruguay actual: condiciones de vida, desnutrición y retraso psicomotor" (3 vols.), Montevideo, Centro Latinoamericano de Economía Humana (CLAEH); Serie Investigaciones Nos. 596061, 1989.

52 per cent of families took part in no type of activity available and 47 per cent stated that their participation only involved tasks such as cleaning of the premises.

- There were problems with the infrastructure of the centres and teaching materials and tools were insufficient and inadequate.
- Families did not consider the CAIF centre to be a point of reference for social problems connected with their environment.

Table 4
Psycho-motor development in children from 2-4 years of age in the CAIF Project in 1997; poor and non-poor sectors

Psycho-motor Development TEPSI	CAIF Plan 1997* % 2 to 4 years	Poor Sectors** (%) 2 to 4 years	Non-Poor Sectors*** (%) 2 to 4 years
Normal	47.2	64.3	89.3
At-risk	32.3	25.6	8.9
Retarded	20.5	10.2	1.8

Source: * "Evaluación del proyecto de desarrollo institucional CAIF". Primera parte. CLAEH,´Augusst 1997. ** Data from a survey of poor urban areas in Uruguay (J. P. Terra and others, CLAEH, Centro Internacional de Investigaciones para el Desarrollo (CIIDIDRC), UNICEF, op.cit., 1989).

The level of psycho-motor development in CAIF children classified as "poor" or "non-poor" based on household income was analysed. The table shows that CAIF has no positive effect on the psycho-motor development of the children from poor families, but only on children from non-poor households. These weaknesses led to a reformulation of the Project.

☐ 5.5.6 Reformulation of the Project

The conclusions of the 1997 external assessment of the Project challenged the participants to build on the existing strengths and correct the weaknesses, by trying methods in line with the Convention on the Rights of the Child to ensure equal opportunities and overcome conditions of exclusion. The results of the assessment were reported in 1997 and all of those working in the project were invited to analyze them in participatory workshops. Goals and targets for the 1998/2000 period were re-defined:

- General goal: Improve intellectual, emotional and social development of children in the CAIF centres. Target: Increase the number of children with normal psycho-motor development by 20 per cent.
- General goal: Contribute to the development of families' potential to improve their quality of life and social insertion. Target: Ensure that 40 per cent of the families were part of the Centre's programmes and services.
- General goal: Achieve an efficient and sustainable management over time in the Associations to help achieve the goals they set themselves within the framework of the Project.

In order to achieve these goals it was necessary:

- To develop a conceptual framework for all the activities of the centres. This was based on the acknowledgement that without a strong integration of families in the centres and effective community participation it would be impossible to accomplish the project mission: "the full and complete development of each child". In order to achieve this it is necessary to work with families so that they can consolidate adequate practices in bringing up children, and to strengthen social networks. The emphasis will be placed on processes to educate and promote individuals and families, and reinforcement of family, community and social networks, rather than on meeting needs.

Table 5
Psycho-motor development according to socio-economic conditions for children attending CAIF in 1997

Psycho-motor Development TEPSI-1997	Poor %	Non-Poor (%)	Non-Poor** Sectors (%)
Normal	46	55	89.3
At-risk	33	28	8.9
Retarded	21	17	1.8

Source: as Table 4.

- To begin a process of on-going training in line with the goals and the features of the Project and the target population so as to ensure the strengthening and development of the technical teams and the civil associations. The training process should include the assessment and certification of the skills of the staff assigned to educational tasks.
- To define and redefine management models providing guidance on building conditions, teaching materials and roles, functions and responsibilities of the participants at all levels.

Table 6
Psycho-motor development according to psycho-social risk factors affecting mothers in CAIF Centres, 1997

Psycho-motor Development TEPSI-1997	Low Risk (%)	Medium Risk (%)	High Risk (%)
Normal	53	48	40
At-risk	30	32	35
Retarded	17	20	25

Source: as Table 4.

Table 7
Psycho-motor development according to time of attendance of CAIF Centre. Children from 2-4 years of age, 1997.

Psycho-motor Development TEPSI	Under six months (%)	Over 1 year (%)
Normal	47	50
At-risk	40	30
Retarded	13	20

Source: as Table 4.

The CAIF centres, as indicated by the Convention on the Rights of the Child, should "reaffirm the need to provide children with special care and assistance in accordance with their vulnerability"; and reaffirm "the primary responsibility of families with regard to protection and assistance". The various programmes and services developed in the centres should consider aspects related to the scientific knowledge of child development, the role of the family and rights.

Educational programmes and programmes to stimulate development which were based on parent initiative and were supported by professionals have achieved better results than more conventional programmes. The CAIF centres should provide services directed to families, to assist parents, or other parenting individuals, to prevent risk situations caused by isolation and/or the difficulty of solving everyday problems in the education and upbringing of children.

All the programmes and projects implemented in the various areas have been redefined according to this notion, i.e. the family is the cornerstone for the development of children and the social network is the cornerstone for the development of the family. To achieve this it is not enough to simply hope that mothers and fathers will participate, it is also necessary that some kind of organization should exist to facilitate this, by defining suitable spaces, times and methods.

☐ 5.5.7 Main results obtained following reformulation

Psycho-motor development of children

The external evaluation performed from September to December 1999, two years after the earlier evaluation, emphasized that "positive changes are taking place at all levels". "One of the things which is visible is a substantial improvement in the level of psycho-motor development of children – 67.1 per cent of children were in the normal category, 22.4 per cent in the at-risk category and 10.5 per cent in the retarded category, compared with the 1997 figures which were 47.3 per cent, 32 per cent and 20.5 per cent respectively."

In two years the proportion of at-risk and retarded categories for psycho-motor development fell by 20 per cent, whereas children with upper-normal development increased by 20 per cent (11 per cent in 1997; 30.2 per cent in 1999).

The level of development attained is similar to that observed in poor urban populations in the same age group. However, one should bear in mind that when the children entered the centre, their development levels were lower than those found in 1989 in poor urban populations (upon enrolment in the project 56.2 per cent of children were rated normal, whereas the figure for poor urban populations was 64.3 per cent).

Areas of change in the CAIF Project

The results achieved with the psycho-motor development of children, although encouraging in view of the short time involved, are still not satisfactory. In the two years considered the Project underwent notable changes in other areas. This ability to change rapidly seems to show that the centres involved in the Project have considerable potential.

Comprehensive actions in the various areas

77 per cent of CAIF centres have developed an institutional project which allows them to undertake a comprehensive approach to the various areas (1997, 29 per cent). This was assisted by the inter-disciplinary constitution of the teams, since two thirds of them have a social worker and a psychologist and only 3.3 per cent of centres do not have technical experts in the psycho-social area. However, it is still necessary to improve the frequency of meetings, ensure they are accepted as an integral part of institutional planning, and reach a better integration of educational staff with other technical staff.

Integration of families

Links with families, as well as their qualitative and quantitative level of participation, were intensified. According to the information provided by the families themselves, three quarters of them have a high level of participation and are involved in 70 per cent of the activities. Teachers, members of the Civil Associations and parents provide similar reports as to whether parents' participation is good or very good. Mothers have an excellent opinion of the quality of service provided in the centres.

Reduction of psycho-social risk factors in mothers

A significant reduction of psycho-social risk factors was observed in mothers. Psycho-social risk is a compound term which takes into account a number of factors: family violence, over-assessment of the maternal role, dominant male attitudes, fatalism, despair and exclusion of the child from communication. According to the external assessment performed by CLAEH, "a comparison with the results observed in 1997 shows a clear improvement in this area". The 1997 results showed a balanced distribution in the low, medium and high risk areas. In 1999, four out of ten mothers were in the low risk area, four in the medium risk area and less than two in the high or very high risk category. Obviously this major change in mothers' attitudes, which

Table 8
Comparative results of psycho-motor development in the CAIF Project, poor sectors

Psycho-motor Development TEPSI	1991 Rating	1997 Rating	1999 Rating
Retarded	34.2	20.5	10.5
At-risk	40.5	32.2	22.4
Normal	25.3	47.3 (upper normal 11%)	67.1 (upper normal 30.2%)
	100	100	100

Source: "Evaluación del proyecto de desarrollo institucional CAIF". Part 2. CLAEH, December 1999.

Table 9
Psycho-motor development in children from 2-4. CAIF 1999, poor sector

Psycho-motor Development TEPSI	CAIF 1999 (%)	Poor Sectors ** (%)
Normal	67.1	64.3
At-risk	22.4	25.6
Retarded	10.5	10.2

Source: "Evaluación del proyecto de desarrollo institucional CAIF". Part 2. CLAEH, December 1999.
** Data from a survey of poor urban areas in Uruguay (Terra and others, CLAEH, IDRC, UNICEF, op. cit., 1989).

is linked to the way they see their lives and their family relations, is reflected in all of the indicators which make up the psycho-social risk index.

Exclusion of children from communication and dominant male attitudes fell by half and family violence fell by a third. Fatalism and despair was the risk factor which changed least.

Improvement in educational work

The assessment observed a substantial improvement in the educational work at the centres:

- In almost all centres (97 per cent), educational work was planned by all the teaching and educational staff (in 1997, the figure was only 42 per cent).
- In a significant percentage of centres, planning is reviewed on a daily basis.
- Half of the teachers working in the CAIF centres are specialized in pre-school education. Those not already specialized are certified through a joint skills training process provided by an IDB project.
- The role of teachers responsible for coordination has been strengthened. There is a clearer understanding of the tasks involved and teachers with this role have been integrated into family programmes.
- The motivation of the teaching staff is high.
- Child-adult relations have improved.

In 1998 a training plan was begun for educational staff which continued until late 1999 when a skills assessment was performed. 150 of the 200 centres allowed their staff to undergo a theoretical and practical job skill test. Currently 80 per cent of the centres have competent and certified staff, the remaining 20 per cent have some competent staff as well as educators who have not yet completed their certification process and who have been enrolled in a training programme in order to be certified.

High impact on children under 2 years of age

GIEP - the Inter-disciplinary Group for Psycho-social Studies (*Grupo Interdisciplinario de Estudios Psicosociales*) analyzed the impact of the programme on children under the age of two. The population they studied comprised all the children and family referents. These were evaluated both before and after the workshop. The areas assessed were psycho-motor development of children, child-rearing practices and the emotional state of mothers. 48 per cent of children studied were boys and 52 per cent girls; 30.5 per cent were up to 12 months of age and 69.5 per cent were 13 months of age or more.

The programme has a significant positive effect on those who attend 10 or more workshops. It has an impact in changing child-rearing practices, attitudes and emotional states in adults:

- It improves mother-child interaction.
- It enriches adult-child communication.
- It makes child-rearing patterns used by adults more flexible.
- It promotes the acknowledgement and understanding of the potential that adults have to assist child development, encourages self-affirmation of the parental role, and increases maternal willingness and availability.
- It furthers the acknowledgement of children as individuals with their own needs and desires. It facilitates the process of separation and autonomy.
- It reduces male-chauvinist attitudes in the upbringing of children.
- It increases the self-esteem of adults. It brings about an improvement in emotional expression.
- No significant changes in family organization and parental functions are seen after only one series of workshops.

Significant changes are produced in the psycho-motor development of children. At the

Table 10
Family participation in centre activities, 1999

Participation	1997	1999
Normal	67.1	64.3
High 70% and above	25	76.7
Average 50-69%	33.3	20
Low 30-49%	25	3.3
Very low, less than 30%	16	7

Source: "Evaluación del proyecto de desarrollo institucional del CAIF". Part 2. CLAEH, December 1999.

beginning of the workshops the results for development were: 70 per cent normal, 24 per cent at risk and 6 per cent retarded. Following completion, the figures were 92 per cent, 6 per cent and 2 per cent respectively.

☐ 5.5.8 Lessons learnt

Thirteen years after the inception of the CAIF Project, and in particular over the last two years, many lessons have been learnt. The four most important are:

1. The results achieved show that, with motivated staff, promoting and addressing the integral development of children at psychosocial risk is much more effective than providing food, monitoring their nutritional status and promoting good habits. In order to prevent or reverse damage to development which would affect children in their learning processes and the use of their skills and hamper their insertion into society and their employment prospects, it is necessary to:
   Protect children and their families through programmes which make them a part of the community. It is not a matter of a one-way transfer of knowledge, techniques and values or of waiting for them to materialise on their own. Instead these programmes need to be jointly formulated.

2. Family and environmental factors begin to have an effect even before the birth of a child. This means that actions have to be thought through together with families from a very early stage to develop comprehensive strategies suited to the specific needs of these children, which can stimulate their learning and development abilities. Programmes directed to children and families which promote interaction generate areas where children can develop motor, cognitive, emotional and social abilities. They also include health and nutritional components, which reduce the vulnerability of these children. In this way society makes an investment and avoids mortgaging its future.

3. Civil associations are one of the pillars on which the plan is based and are essential for its implementation and to sustain it over time. Individuals, society and the state are generally considered as separate entities. To paraphrase Elina Dabas, the new and pressing social problems that have to be faced at the end of this century require concrete actions from a range of social actors who should not be separated into sectors, layers or disciplines. Conventional institutional structures are not effective enough to face these new problems. We are experiencing a change whereby civil society is generating alternative solutions.

   Civil associations have gradually taken on an active and responsible role and have increased their decision-making capability to the benefit of the welfare of their communities.

   The notion that only academics or experts should make decisions on suitable programmes should be discarded. The top-down method of imparting programmes needs to be reviewed. Accepting that academic learning and local knowledge are both valid sources of information implies a need for a dialogue between the two strands so that each can learn from the other. Working jointly involves a need to change the conventional approaches and aims in organization and formulate a different vision of basic and necessary knowledge. However, one should be aware of the difficulties which exist, and the conflicts which emerge in the process. Experience shows that it is possible for civil society and State to work together to solve problems and needs.

4. Fundamental to achieving the above is staff motivation and training. Incentives, a good working environment, materials and resources, and a salary in line with the worker's function, competence and outside opportunities are all factors that can help ensure success. An adequate salary represents a two-fold benefit: on the one hand it encourages staff to have a greater commitment to their work and on the other it means that the centres will be able to retain their staff once they are trained and not lose

the investment they have made in them. Theoretical frameworks for financial management are being developed for CAIF centres because of these considerations. This became possible once an understanding was gained of the operational structure of a typical centre, i.e. the financial models were developed in the wake of basic practical definitions of the skills and abilities required, the staff-to-child ratios and programmes, etc.

At the same time, the continuing demand for new centres to be opened, because of the inadequate coverage, presents the challenge of promoting well-focused centres which are truly able to provide services in line with the mission of the CAIF Project.

* *This article was based on documents provided by the Executive Secretariat of the CAIF Project and the Nuestros Niños Programme, Committee for Women, Health and Social Programmes Division, Municipality of Montevideo.*

CHILDREN IN INSTITUTIONS: THE BEGINNING OF THE END?

There is a growing global consensus on the need to promote family-based alternatives to institutional care for children. No residential institution, no matter how well meaning, can replace the family environment so essential to every child. This Innocenti Insight examines efforts to prevent the institutionalization of children in Argentina, Chile, Uruguay, Italy and Spain, focusing on both public and private initiatives, as well as local and national policies.

The study highlights the fact that policies to discourage institutionalization are not enough. The right climate is needed to create alternatives, including raising public awareness.

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